JOURNAL

OF THE

ADJOURNED SESSION OF THE SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE CITY OF FRANKFORT, ON MONDAY, THE FOURTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1871, AND OF THE COMMONWEALTH THE EIGHTIETH.

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WEDNESDAY, JANUARY 8, 1873.

In pursuance of adjournment, the Senate convened, and, upon a call of the roll, the following Senators were present and answered to their names, viz:

John S. Barlow,	William P. Duvall,	A. L. McAfee,
Robert Boyd,	W. McKee Fox,	O. D. McManama,
R. A. Burton,	W. W. Frazer,	Alfred T. Pope,
G. W. Connor,	Jesse C. Gilbert,	K. F. Prichard,
John E. Cooper,	Thomas F. Hargis,	W. L. Vories,
F. W. Darby,	J. B. Haydon,	Ben. J. Webb,
J. H. Dorman,	William Johnson,	Emery Whitaker—21.

Hon. W. H. Sneed, successor to the Hon. J. Q. Chenoweth, resigned, appeared, produced a certificate of his election to fill said vacancy, and having taken the oath prescribed by the Constitution and laws of the State, repaired to his seat.

Mr. Pope offered the following resolution, viz:

Resolved, That a committee be appointed, whose duty it shall be to inform the House of Representatives that the Senate have met and organized, and request that a committee be appointed on their part, to act in conjunction with a similar committee to be appointed by the Senate, who shall wait upon the Governor and inform him that the two Houses of the General Assembly of the Commonwealth of Kentucky have met and organized, and that they were now ready to receive any communication he might wish or see fit to make.

Which was adopted.

Whereupon Messrs. Pope, Whitaker, and Vories were appointed said committee.

A message was received from the House of Representatives, announcing that they had met and organized, and that they, on their part, had appointed a committee, to act in conjunction with a similar committee appointed on the part of the Senate, to wait upon the Governor and inform him that the two Houses of the General Assembly had convened and organized, and that they were now ready to receive any communication he might see fit to make.

After a short time, the committee heretofore appointed returned, and informed the Senate that they had discharged the duties assigned them, and that the Governor requested them to inform the Senate that he would immediately lay before them a message in writing.

In a few moments a message in writing was received from the Governor by Mr. Botts, Aassistant Secretary of State.

Said message was taken up and read as follows, viz:

Fellow-Citizens of the Senate and House of Representatives:

In accordance with the provision of the Constitution, requiring the Governor, from time to time, to "give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient," I have the honor to submit to you the following message. Before, however, entering upon the discussion of the various subjects of which it treats, permit me to congratulate you, upon your return to the Capital, that in the interval of your recess the State has enjoyed a season of prosperity and of health. With the husbandman rewarded by a fair, if not abundant, harvest, and trade and manufactures increasing under the natural impetus afforded by the opening of new channels, we have abundant reason to be grateful to Providence for His protecting care.

STATE DEBT PROPER.

It is a source of congratulation and just pride to be able to state that our finances are in a most healthy and prosperous condition. At the close of the fiscal year ending the 10th day of October, 1871, the bonded debt of the State (exclusive of the school debt, which is a permanent loan, and not therefore redeemable) was $1,069,394, though stated in my last annual message at $1,000 less, upon mistaken information. Since that period there has been redeemed and canceled, up to and inclusive of 10th of October, 1872, bonds amounting in the aggregate to $303,000, leaving unpaid, due and not due, $766,394. To this amount must be added $200,000 of bonds issued under the provisions of the act approved January 18, 1872, to provide for the deficit in the Treasury on account of the Revenue Proper.

This latter class of bonds are payable in five years from date of issue, but redeemable in one year, at the pleasure of the State. It will be thus seen that the whole amount of the redeemable bonded indebtedness of the State, at the close of the fiscal year on the 10th

day of October, 1872, was $966,394 00. The bonds outstanding and unredeemed at this date were as follows, to-wit:

6 per cent. bonds past due	$85,394 00
5 per cent. bonds past due	5,000 00
6 per cent. bonds falling due between the 10th October, 1872, and the 1st of January, 1873	37,000 00
6 per cent. bonds maturing in 1873	246,000 00
5 per cent. bonds maturing in 1873	66,000 00
6 per cent. bonds maturing in 1874	129,000 00
6 per cent. bonds maturing in 1875	20,000 00
6 per cent. bonds maturing in 1876	2,000 00
6 per cent. bonds maturing in 1894	111,000 00
6 per cent. bonds maturing in 1895	60,000 00
6 per cent. bonds maturing in 1896	5,000 00
8 per cent. bonds maturing in 1873 or 1877	200,000 00
Total	$966,394 00

The means at the command of the Commissioners of the Sinking Fund for the redemption of the foregoing amount of indebtedness, and the interest thereon, are as follows, to-wit:

Balance in Treasury on the 10th of October, 1872	$544,623 80
Amount of loan to Farmers' Bank, at five per cent. interest, on collateral security	200,368 00
Amount of loan to Bank of Kentucky, at five per cent. interest, on collaterals	400,000 00
Amount of balance of proceeds of sale of Kentucky Bank stock, at six per cent. interest	547,000 00
Amount in Treasury not transferred	12,028 33
Amount of balance due on loan to Kentucky River Navigation Company	4,000 00
406 shares of stock in Bank of Louisville	40,600 00
260 shares of preferred stock in Louisville, Cincinnati, and Lexington Railroad Company	26,000 00
2,178 shares of stock in Lexington and Frankfort Railroad Company, estimated to be worth	108,900 00
Bonds of Louisville and Frankfort Railroad Company	74,519 50
Stock in turnpike roads, estimated to be worth	254,433 96
Amount borrowed by Revenue Department under sundry acts of the Legislature	207,919 13
Total resources	$2,420,392 72

In addition to the foregoing resources, the State has unadjusted claims against the Federal Government, for advances made during the war, amounting to $505,478 52, which the Quarter-Master General is preparing, as rapidly as possible, for adjustment by the

proper accounting officers in the Treasury Department at Washington. That these claims will, at no distant day, be fully audited and paid, I cannot allow myself to doubt, inasmuch as they are founded in right and justice, and the principle of law on which they are based has already been settled by the proper authorities. I have also hope and confidence that Congress will provide by appropriate legislation for the payment of interest on all the advances made by the several States in the Union during the war for war purposes. Not to do so would be sheer injustice and wrong.

REVENUE PROPER.

In my last message I drew attention to the fact that the receipts into the Treasury for the payment of the current expenses of the State were not sufficient for that purpose, and that a deficit of $105,411 86 existed as a consequence in what is known as the Revenue Proper. I also took occasion to urge the importance of not only supplying that deficit, but that such legislation should be had as to prevent its recurrence. The suggestions then made, I regret to say, were only adopted so far as was necessary to supply the stated deficit. The consequence is that we have again a deficit still larger than before in the same fund in the Treasury.

The receipts into the Treasury to the credit of the Revenue Proper from the 11th day of October, 1871, to the 10th day of October, 1872, were as follows, to-wit:

Amount received from sheriffs		$738,707 09
Amount received from corporations		269,910 79
Amount borrowed under act of January 18, 1872		200,000 00
		$1,208,617 88
Amount of expenditures from 10th of October, 1871, to 10th of October, 1872	$1,468,572 69	
Add deficit of October 10th, 1871	105,411 86	
		1,573,984 55
Amount of excess of expenditures over receipts on 10th of October, 1872		$365,366 67

The foregoing figures exhibit the fact that the expenditures for the fiscal year ending the 10th day of October last exceeded the expenditure of the previous fiscal year $170,084 20, whilst the receipts (exclusive of the amount borrowed) were only increased $15,541 25.

It is proper to remark in this connection that the increased expenditures of 1872 over those of 1871 is attributable principally, if not

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altogether, to the fact that a large amount of claims and unpaid balances of appropriations made by former Legislatures against the Treasury, that ought to have been paid in 1871, were not paid until 1872, in consequence of the deficit in the Treasury.

The total estimated receipts for the fiscal year ending the 10th day of October, 1873, are $1,024,460 03, and the total estimated expenditures for the same period are placed at $1,476,469 13, showing (if these estimates should prove to be correct, as I do not doubt they will) that the expenditures of the current fiscal year will exceed the receipts $452,009 10. To this deficit must be added the deficit of $365,366 67 which existed on the 10th day of October, 1872, which will make the total deficit on the 10th day of October next, the close of the current fiscal year, $717,375 77.

It is scarcely necessary that I should urge upon you the great importance of not only providing for this large deficit by appropriate legislation, but that you make such provisions as to prevent any future deficit in the Treasury.

The simple statement of the facts and figures submitted to you will be sufficient, I trust, to impel you to a faithful discharge of the most important duty confided to you by the people of the State.

It seems to me that we have now reached the point in our financial affairs when we can safely, prudently, and constitutionally, divert a very large portion of the receipts which now go into the Sinking Fund, into the Revenue Proper, and thus relieve, to a great extent, the present embarrassed condition of the Treasury.

I have shown that the whole redeemable bonded indebtedness of the State is only $966,394, and I have also shown that we have in the Treasury to the credit of the Sinking Fund $544,623 80; and in addition, we have loaned to the Bank of Kentucky and the Farmers' Bank the aggregate sum of $1,147,368, which is bearing five and six per cent. interest—making the total aggregate of $1,691,991 30 in cash and available cash assets, to say nothing of other loans, stocks, and bonds, with which to redeem and cancel said bonded indebtedness of $966,394. The holders of our State bonds have been notified, in person and by public advertisement, in two of the principal newspapers published in the city of New York last spring, of our readiness and desire to pay off the State bonds, with accrued interest, and without any discount; but they have declined to receive the money and surrender the bonds. I do not, therefore, have much hope of redeeming the bonds till they fall due, or the time shall arrive when

we have the legal right to tender payment, and thereby stop interest. When these bonds are redeemed there will be no further charge on the Sinking Fund than the interest on the school debt. This debt amounts to $1,625,068 60, and the annual interest on it to $97,504 11. So that there can be no possible necessity for continuing to pay into the Sinking Fund the whole amount of the present receipts of that fund. The five cents on each one hundred dollars of the taxable property of the State, which is now collected and paid into the Sinking Fund, will be more than sufficient to meet the interest on the school debt. The Auditor estimates that this tax alone will realize $194,615.

In view of the facts submitted, I respectfully recommend that an act be passed authorizing and directing the Commissioners of the Sinking Fund to invest so much of the cash and cash assets on hand belonging to the Sinking Fund, in five-twenty gold-bearing interest bonds of the United States, or other equally good and convertible securities, as will be amply sufficient, in any contingency, to pay off and fully discharge the outstanding redeemable bonds of the State; and that said securities shall be held and used by said Commissioners for the purpose stated, and for no other. I further recommend the passage of an act directing that all the balance of the resources of the Sinking Fund, except the five cents now imposed by law on the one hundred dollars' worth of the taxable property of the State, be diverted into, and used for purposes of, the Revenue Proper.

It must be borne in mind that, for the last ten years or more, whilst the Sinking Fund has been plethoric with money—holding far more than it had any use for—the Revenue Proper has been constantly short and insufficient to meet the necessary demands upon it, without borrowing from the former fund. This state of things has resulted mainly from the character of legislation which has been enacted in regard to our finances, and was prompted, doubtless, by a noble and commendable pride to care for and protect the honor and credit of the State abroad. But there exists no longer any reason why the resources of the Sinking Fund should be retained in such undue proportions and to the neglect of the Revenue Proper. On the contrary, every consideration of interest and public policy demands that the one should be diminished and the other increased.

It has been shown that the present resources of the Revenue Proper are totally inadequate to pay the current expenses of the State, and that they must be increased. Should the legislation sug-

gested be adopted, we will not only be able to pay off and discharge the deficit existing and due to the Sinking Fund for loans made, but the resources for the payment of the current expenses of the State will be increased, as is estimated, not less than $250,000 per annum. In my last annual message to your honorable body I used the following language:

"An act was passed and approved 22d March, 1871, entitled 'An "act to change the time for the payment of the revenue into the "Treasury, and to amend the revenue laws.' The effect of this act "has already been to increase the embarrassed condition of the "finances, by diminishing the receipts into the Treasury at a period "of the year when money is most needed, and at the same time "retarding the collection of the public revenue. The effect of this "act is virtually to extend to the sheriffs and other revenue collectors "time until the fourth Monday in June in which to pay into the "Treasury the public revenue, inasmuch as no judgment can be "taken against them until that time, there being no fiscal court "earlier than that date. In my judgment this act is a serious injury "to the financial interests of the State, without any corresponding "benefit to the people. I therefore recommend its repeal.

"The present system of assessment and valuation of the landed "property of the State for taxation has been a subject of much "thought and reflection with me, and demands most serious consid-"eration at your hands. No system of taxation can be just without "being equal, or as nearly so as practicable. It certainly is the wish "of all the people of this State to be just to each other, and to have "the burthens of taxation equally distributed. Yet this is far from "being so. An examination of the Auditor's Report will show how "unequal and unjust are the present assessed values of the lands of "the State. In some few counties they seem to be valued full high, "whilst in a great majority of the counties they are assessed at an "average rate not exceeding half their value. I most respectfully "call your attention to this evil, and recommend that you pass some "act which will secure its correction.

"It will doubtless become your duty to make appropriations of "various sums of money from the public Treasury during your term "of office. I shall cheerfully co-operate with you in all proper and "just appropriations, yet I urge the strictest economy in all such leg-

"islation; and I especially recommend that no bill be passed appro-
"priating money without providing for its payment."

I respectfully renew these recommendations, and commend them most earnestly to your consideration. It will be recollected that I drew attention in my last message to the fact, that the largely increased expenses of the State was mainly attributable to the necessarily increased outlay, from year to year, for the support and maintenance of the afflicted classes of our people, and for the prosecution of criminal offenders against the laws. I again call your attention to the same facts, and for the more thorough understanding of them, I submit the following tabular statement, furnished to me by the Auditor, showing the amount paid out of the Treasury, from 1866 to 1872, inclusive, on account of the several charities of the State, the expense of prosecuting criminals, and their confinement in prison:

A STATEMENT *showing the amount paid out of the Treasury to each of the several named Charitable Institutions, &c., of the State of Kentucky, for the years* 1866 *to* 1872, *inclusive, together with the total amount paid, and amount of revenue collected during same time, viz:*

Names.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	Totals.
Eastern Lunatic Asylum	$44,537 50	$119,535 50	$124,419 00	$86,233 50	$63,271 80	$119,464 00	$138,977 00	$696,438 30
Western Lunatic Asylum	93,275 00	67,325 00	55,077 66	55,825 00	58,680 00	69,843 60	82,416 64	482,442 90
Blind Asylum	12,449 46	11,325 85	32,819 15	11,860 00	10,958 45	22,728 98	23,105 00	125,246 89
Deaf and Dumb Asylum	17,717 52	13,676 47	19,804 85	19,478 18	14,424 01	20,890 95	23,569 15	129,561 13
Feeble-minded Institute	10,720 13	10,836 34	12,503 64	39,158 62	25,344 00	31,010 39	24,270 72	153,843 84
Kentucky Penitentiary	38,917 00	66,184 00	56,820 79	6,424 50	----------	4,691 50	25,203 33	198,241 12
Criminal prosecutions	103,154 73	125,102 37	92,805 00	95,839 79	81,661 01	93,336 18	115,400 43	707,299 51
Jailers	99,710 66	108,688 91	99,303 01	92,805 08	74,787 77	90,966 70	119,566 03	685,828 16
Idiots	22,876 61	19,885 09	19,316 02	20,899 83	19,063 89	19,656 95	26,751 59	148,449 98
American Printing House for the Blind	----------	2,580 00	----------	----------	----------	----------	3,580 00	6,160 00
Conveyance of lunatics	4,143 89	4,095 47	4,429 29	5,285 42	4,456 08	4,111 15	3,896 69	30,417 99
Conveyance of convicts	----------	----------	----------	----------	----------	----------	11,763 85	11,763 85
House of Reform	----------	----------	----------	12,549 30	10,961 40	28,710 00	15,862 40	68,083 10
	$447,502 50	$549,235 00	$517,298 41	$446,359 22	$363,608 41	$505,410 40	$614,362 83	$3,443,776 77
Revenue collected (proper)	917,378 45	942,555 11	1,049,107 39	985,014 38	924,602 11	993,076 63	1,008,617 88	6,820,351 95
Surplus	$469,875 95	$393,320 11	$531,808 98	$538,655 16	$560,993 70	$487,666 23	$394,255 05	$3,376,575 18

I invite your close attention and scrutiny to the facts and figures set forth in the foregoing table, and submit for your consideration whether it is practicable to reduce these expenses without detriment to the public welfare.

I have the satisfaction of announcing to you that, since your adjournment, in March last, $525,258 72 of the claims of the State against the Federal Government for advances made during the war have been collected, and paid into the Treasury. Too much praise cannot be awarded Quarter-Master General Fayette Hewitt for the energy, skill, and perseverance which he exhibited in bringing to a satisfactory settlement this much of our demands against the General Government. He spent many months of constant and wearying labor at Washington to bring about this result, and has received no other compensation for his services than his salary as Quarter-Master General, his expenses, and the consciousness of duty well-performed.

In view of the services rendered, and the arduousness of the duties performed, it occurs to me that it would be but a just compliment to him to award to him a reasonable compensation for the extra services rendered, and I recommend that the same be done.

TURNPIKE STOCK.

The amount of dividends received by the State on her stock in turnpike roads the last year—$27,847 45, and $20,855 55 the year preceding—demonstrate the wisdom of the Legislature in repealing last winter the law which provided for a sale of said stock. It will be seen that the dividends will amount to more than fifteen per cent. interest upon the sum for which the sale was about to be effected; and, indeed, the stock is worth double the amount for which it was authorized to be sold, and at which it is estimated in stating the resources of the Sinking Fund. This stock cost the State $2,716,894 80, and inasmuch as so large a sum has been gathered in taxes from the people and vested in these stocks, it is the duty of the General Assembly to legislate so as to have it taken care of and made to contribute to the public revenue. The dividends to the State upon its stock in these roads were set apart, both by statute laws and the Constitution, years ago, for the payment of the public debt, and for that purpose are made payable to the Sinking Fund. The State owns the larger portion of the stock in each road, the remainder being owned by individuals. Each road is managed by a board of

directors elected annually, according to the charter, by the stockholders. The State has thus gone into partnership with individuals, and is now a member of each one of fifteen or twenty companies. The entire management and conduct of the business of the company are vested in the directors. Experience has shown that such partnerships always result in loss to the State; but inasmuch as so large a sum of the public money has been invested in these stocks, we cannot relinquish our interest in them, and should be vigilant in securing to the State the largest income from the dividends consistent with a due and just regard to the public convenience and the welfare of the communities in which these improvements are situated.

The present system of management is not yielding to the State its fair and just amount of dividends, nor is it satisfactory to the individual stockholders. I am satisfied that a change can be made in this respect beneficial to all parties. As the law now stands, the Governor may appoint individuals to cast the vote of the State for directors in these companies; but beyond this there is no provision made by law for any person representing the State's interest to look into the conduct and management of the business of the company. How much of the earnings of the road is voted away as salaries to officers; what rules and regulations are provided for the collection and faithful paying over of the tolls; how much is paid out for repairs, improvements, labor and material; and how much liberality is indulged in giving passage over the road free of charge, are important questions to which the State gets no answer, having no one appointed by law to investigate and make report on the subject. Whilst the legislation of the State has protected and carefully guarded its other revenues, this one has been singularly neglected. I feel impelled by a sense of public duty to call your attention to it, and recommend that you provide by law for the appointment of a "Commissioner of Turnpike Stocks," who shall be required to take an oath, execute bond, and give his personal attention to the selection of every board of directors in these companies; that he be required to overlook the entire government and conduct of the companies, and make report, showing the operations of each company in detail. This, I am sure, will greatly augment the dividends to the stockholders, enhance the value of our stock, and give greater satisfaction to all who use or are interested in the roads.

COST OF RECORD BOOKS.

I invite your attention to the large expenditure, shown by the Auditor's Report, in the purchase of record books for the use of the clerks' offices of this Commonwealth.

For the fiscal year of 1870 there was paid by the State Treasury, on this account, the sum of $11,163 80. For the year 1871, there was paid the sum of $15,286 23; and for the year 1872, there was paid on the same account the sum of $24,638 38—thus showing a steady and rapid increase in the expenditure under this head. I have not examined this account further back than the year 1870, but have no doubt it will be found to have gradually grown from year to year, until it has reached such proportions as to demand the consideration of the General Assembly. It seems to me that the account is too large by far, and that something should be done in order to keep it within proper bounds.

CRIMINAL LAW AND COURTS.

With the exception of a few cases of flagrant violence, the most grievous of which I made the subject of a special proclamation in October, I am happy to state that there has been less manifestation of lawlessness in the State than at any time since the war, indicating that there is not that tendency towards organized violence which at one time was so prevalent. This decrease of such crime is attributable in a great degree to a more healthy public sentiment in condemnation of such acts, and, consequently, a better administration of the law against such offenders.

I feel it, however, my duty again to invite your attention to the propriety of making additional provision by law for the detection, apprehension, and punishment of that class of offenders who, generally in the night and in disguise, assault the persons or depredate upon the property of such as may fall under their displeasure. The statutory provisions for the punishment of ordinary offenses against the law have proved inadequate to the suppression of this form of violence, and whilst I regard the operation of an enlightened public opinion as the surest reliance for its ultimate extinction, nothing which legislative wisdom can suggest should be left undone to secure the punishment of such offenders, or hasten the day when our records shall cease to be disgraced by such crimes.

In my last annual message I discussed this subject at length, and propose now only to say, in addition, that I will cheerfully unite with you in any measures you may provide for the thorough eradica-

tion of the evil. In this connection I respectfully submit some suggestions in regard to the more efficient administration of justice and the punishment of crimes generally.

The Auditor's Report will show that there has been a large increase in the number of criminal and penal prosecutions in our Circuit Courts within the last twelve months. The costs and expenses of such prosecutions are largely in excess of what they were the year preceding. This, I apprehend, has resulted, not so much from an increase in the number of cases, as from the inability of the Circuit Judges, for the want of time, to try the cases before them.

The cases of the Commonwealth have precedence upon the dockets; and the Clerks, in making up their dockets, in order to distribute the civil suits properly within the number of days allowed for the term, are compelled generally to allot not more than half the time necessary to try the pending prosecutions. The consequence is, that the docket soon becomes deranged, and persons having civil causes, with their witnesses, are kept waiting from day to day at heavy expense, until the pressure on the Judge and Commonwealth's Attorney becomes so great as to induce them to continue, till the next term, the Commonwealth's cases, upon slight grounds. If, however, the Judge had sufficient time, and, upon the calling of a case, it should appear that an important witness was absent, he could postpone it to some other day of the term, and, with the proper exertion, the witness could be brought into Court and the trial progress. But under the pressure as it now exists, in a large majority of the counties, if the witness does not answer at once, the case is continued until the next term, thus duplicating the cost.

A speedy trial is as necessary for the interests of the Commonwealth, and for the suppression of crime, as it is for the accused. The Constitution guarantees it to the latter, and public policy requires it for the former. Owing to the facilities of procuring continuances, on account of the pressure before spoken of, persons guilty of the highest crimes known to the law are enabled to baffle justice for years, and at last escape punishment altogether, from the removal or death of witnesses. Thus the criminal jurisprudence of the State is brought into disrepute among the people, and the more reckless of them resort for a redress of their supposed grievances to the formation of vigilance committees and other unlawful combinations.

There is no clearer proposition than that the government is bound to protect society against the crimes of the lawless. The judiciary

is the machinery by which it is to be done, and it should be afforded every facility necessary to accomplish the end. The duty is chiefly devolved on our circuit judges, and I take this occasion to say, that, as a class, no State has a more learned, energetic, or faithful body of men discharging the duties of courts of similar jurisdiction. Nor are there in Kentucky any public officers who perform so much labor of mind and body. The difficulty is, that it is impossible for sixteen men to perform the labor which is required of the circuit judges of this State.

The injury to persons having civil suits is equally manifest. The enormous accumulation of costs tends to deter men from seeking redress for injuries in courts of justice, and, consequently, they are tempted to resort to retaliation and violence, as the only alternative left them. No one familiar with the circuit practice can have failed to see that such is the tendency of the public mind.

The Auditor's Report shows that there was paid out of the Treasury, during the fiscal year 1872, on account of criminal prosecutions, including jailers' fees, the sum of *two hundred and thirty-four thousand nine hundred and sixty-six dollars and forty-six cents*, being fifty thousand six hundred and sixty-three dollars and fifty-eight cents more than it cost the year previous. This is about one hundred thousand dollars more than it cost to pay all the judges, Commonwealth's attorneys, and every other State officer who draws his pay from the public Treasury. Of this sum, the jailers received $119,566 03; the remainder is made up of witness' claims and other costs of prosecution. The Auditor's Report shows the total number of criminal and penal prosecutions in the State, for the year 1872, to be 3,384, of which 536 were criminal, and 2,848 were penal; and as it will be recollected that the State pays no cost except in cases of felony, it therefore appears that these 536 criminal cases cost the enormous sum of $234,966 46, which is a fraction under four hundred and fifty dollars for each prosecution. This is an appalling exhibition of the cost of administering the criminal laws. It is hardly credible that crime should cost the people of the State such an immense sum annually, and that, too, when hundreds go unwhipped of justice. It is, I would suggest, a subject which demands a close investigation by the General Assembly. I do not expect, however, to find a remedy for the evil complained of in any mere detection of abuses. I have no doubt that the extraordinary amount of the jailers' fees is largely

attributable to delays in the trial of persons kept without bail under indictment, and that the expenses of prosecutions are greatly enhanced by the same causes. If the increase shall continue in the same ratio, it will not require many years to bankrupt the Treasury.

I am convinced that the true remedy for the evils referred to—the only certain means of securing at once the prompt and efficient execution of public justice, and a wise economy in its administration—is to be found only in an increase of the judicial department of the Commonwealth. By constitutional limitation the State is inhibited from increasing the present number of circuit court judicial districts until it shall possess a population of fifteen hundred thousand. Were I satisfied that it had attained that number, I would unhesitatingly recommend, as the best method of meeting the wants of the case, the creation of eight additional districts. But as I have not sufficient evidence to convince me that we have the population required, I do not make the recommendation. Debarred from this means of relief, we must resort to other methods of supplying the deficiency. After a careful consideration of the subject, I am satisfied that the institution of criminal courts would prove the most practicable and efficient means of relief, and most conducive to the public good. Should such courts be created, I suggest that they be required to hold three terms annually in each county in which they are established. This requirement, by securing speedy trials, would not only diminish the expense of prosecutions, but, by making the punishment more rapid and certain, and inspiring a greater fear of public justice and a greater reverence for law, would go far to suppress crime in the Commonwealth.

The Circuit Judges being entirely relieved in this mode from the criminal and penal docket, would be enabled to devote more time and give greater deliberation to the trial of civil causes; a large amount of costs would be saved to litigants, and I should confidently expect a considerable diminution of the docket of the Court of Appeals.

I would also suggest that the County Attorney of each county be required to aid the Commonwealth's Attorney in all prosecutions in his county, and for his services be entitled to receive a portion of the fines and forfeitures. This would make it necessary to allow the Commonwealth's Attorney a salary out of the Treasury to compensate him for that per cent. of the fines and forfeitures which would be given to the County Attorney. An efficient and faithful

County Attorney would be a terror to the evil-doers of his county. He would be of great service in criminal and penal prosecutions. Knowing the witnesses, and where to find them, he could have the proof necessary to develop the truth. The increased degree of skill with which men have learned to conduct and carry on their schemes of vice and wrong has become to be almost a system of warfare upon society generally, and its success demands additional safeguards for society. It is not my purpose, however, to go into detail of the measures of reform. I lay the matter before your honorable body, hoping that your wisdom will devise the proper remedies.

TAXATION FOR CORPORATIONS.

There is another subject to which, impelled by a sense of public duty, I desire to invite the attention of the Legislature. I allude to the facility with which enactments are procured from the General Assembly granting authority to local communities and municipalities to subscribe for stock in corporations proposing to construct railroads or other works of supposed public benefit: Such enactments usually require that the constituted authorities of a community, at such time as they, or a certain corporation itself, may designate, shall submit the question of subscription to a popular vote, and if a majority of the votes cast so order it, shall subscribe for a specific amount of stock in said corporation, and impose a tax for its payment on the citizens and property of the locality.

If it were an original question at this day in Kentucky, whether such enactments are not in excess of constitutional authority, I am satisfied that Legislators, Governors, and Judges, alike would, to say the least, hesitate to acknowledge their validity. On the other hand, such legislation has gone on in our State for a long series of years, during which different Legislatures, including some of the wisest and most patriotic citizens of the Commonwealth, have concurred in such enactments, and each successive Executive has given his official sanction and approval. Above all, the judicial department, to which all questions involving the constitutionality of laws are to be finally referred, and to whose judgment the profoundest respect should be paid, has, in one unbroken chain of decisions, from the case of *Slack vs. The Maysville and Lexington Railroad*, in 1852, and ending with the case recently decided of *Shelby County Court vs. The Cumberland and Ohio Railroad Company*, maintained the constitutional power of the Legislature over the subject.

It should be observed, however, that not only were dissenting opinions published by able judges in these cases, but an attentive perusal of the decisions themselves will not fail to impress the mind with the conviction that grave and serious doubts were entertained by the judges rendering them. While, therefore, I may not feel at liberty to call in question your constitutional warrant to pass bills of this character, nor in my own action to ignore precedents of such authority, yet I do say, that the evident hesitation and doubt that the courts have had to pass through and overcome, in giving their sanction to such legislation, should excite great caution in legislators when called upon to delegate such power to voting majorities.

Our Constitution, in accordance with that political maxim applicable to all forms of government—that where the power is the checks must be—has, by well-considered restrictions, carefully guarded the citizen from oppression either by popular or legislative majorities. All political power, whether vested in a monarch, an oligarchy, or a popular majority, inherently tends to become selfish, aggressive, and despotic. In a democratic republic the first approaches are usually creeping and insidious—its encroachments quiet and gradual—often the slow and cumulative growth of abuses scarcely perceptible. It soothes the popular apprehension by the agreeable, but delusive doctrine, that the people can do no wrong; whilst to the ambitious politician, with whom the voice of the people is as the voice of God, the popular will is the sanction of the highest law. At length, conscious of its strength, and defiant of restraint, it boldly tramples on the rights of the citizen. In the safeguards and checks of the Constitution alone is provided the means alike of protecting the majority from its own illusions, and preventing its oppression of the minority or the individual citizen. The patriotic statesman, therefore, cannot be too vigilant in detecting, nor too prompt in resisting, every invasion of either the letter or spirit of the organic law.

Whilst the power of the majority is limited to the exercise of the ordinary functions for which government is needed, all is well; but when it invades the rights of property, overleaping the barriers erected as a defense to the fruits of honest industry, and disregards all the checks upon profligate expenditure, burdensome debt, and heavy taxation, under the pretext of developing the resources of the country—in such case the despoiled citizen ceases to enjoy the protection of constitutional government.

It seems to be thought by some that any measure to burden a community with taxation for the direct benefit of a railroad corporation, can be sanctified by going through the process of a popular vote. Is this so? Can any number of men be rightfully empowered to incumber their neighbors' property for a third or half its value, in order to build a railroad? If such incumbrance, having the effect of a mortgage, can be voted by a majority upon the property of a county, against the consent of the owners, for purposes foreign to the ordinary functions of government, then is property (subject to such exactions) held by a frail tenure indeed. We cannot shut our eyes to the fact that, under the operation of the Fifteenth Amendment to the Federal Constitution, a majority of voters, without either property or intelligence, may impose upon an objecting community of property-owners a burden of debt of which the majority will not pay one cent in the dollar. Some localities in our Commonwealth have already suffered from such an infliction. Whilst we are justly proud that our State debt is so small, and that we have more than sufficient to pay it off, we must recollect that, under the delegation of this power, an aggregate indebtedness has been imposed by voting majorities, and now burdens, not the Commonwealth, but counties and districts, cities and towns, amounting to the sum of fifteen millions of dollars, drawing interest payable semi-annually; and, under existing statutes, majorities are authorized to vote upon the people in other localities yet millions more. The indebtedness under consideration is in the form of bonds given by counties, cities, towns, and districts, which are most generally delivered to the corporations leading the enterprise, by which they are sold for from eighty to ninety cents on the dollar. The proceeds are applied partly in payment of officers' salaries and other expenses of the company, and the residue expended upon the enterprise, which too often, after exhausting the people's money, fails of success, and is sold out for little or nothing to another corporation, which may so use it as to oppress the very people who have impoverished themselves to set it up.

The former legislation of the kind alluded to shows another fact, that large amounts of bonds have been issued and delivered to corporations, without any security whatever to the tax-payers that the enterprise would go forward, or that one dollar of the money would be expended in furtherance of it. And, while it is cause of gratulation that so few of such bonds have been misapplied here in our own

State, yet, in view of the notorious frauds that have been committed in other States in the use of such bonds, it behooves you, I think, to guard future bills against such dangers. Corporations, in procuring the passage of bills authorizing them to require county courts, or city and town authorities, to order elections on questions of subscriptions of stock, have been allowed too frequently to worry the same people again and again with elections upon the same question. This gives the company an undue advantage; and when a people have been summoned to the polls once upon a question, and have decided against it, they ought not to be subject to frequent repetitions of the same annoyance.

The power of taxation is one of the most delicate of all conferred upon the Legislature. It is not possessed unrestrained and without limit, and it can scarcely be transferred from the Legislature to a mass meeting of the people. It is a power to be exercised by the Legislature with great care and consideration for the welfare of the citizen. The government may rightfully demand and enforce the payment of all taxes by the citizen needful to its support; but this right carries with it the correlative and continuing duty to protect him from unequal and oppressive exactions.

PENITENTIARY.

The Report of the Keeper of this institution will be placed before you, and will show its progress for the last year and present condition. I am glad to be able to announce that the work of enlarging the prison grounds, and erecting sundry new buildings, as provided by an act of the Legislature last winter, has progressed to near its completion, and a full report of it will be made by the Commissioners intrusted with that duty. The improvement is one long needed, and is not only creditable to its projectors and to the State, but secures comfort and encouragement to the fallen female convict. It is a noble charity. I herewith present for your respectful consideration the report of the Inspectors of the Kentucky Penitentiary, made to me on the 17th of this month, and invite your attention to its suggestions.

A sense of public duty has prompted me to a careful study and examination of this important subject, and to present for your consideration a few facts and suggestions.

The State of Kentucky first established its Penitentiary in 1798, the purposes of its institution being, as recited in the preamble to the act, "to establish a more humane system of punishment of

crimes than that of death; to make an effort for a reformation of offenders against the public, and to make restitution and reparation for the injury done and for the expense of prosecution, confinement, &c."

Under the system of management first adopted, a keeper was appointed by the Governor, who, with suitable assistants, provided for by law, supervised the conduct of the institution in the hands of the State and at the expense of the State. This system, which, with slight modifications, was pursued until 1825, proved to be a constant and increasing charge upon the Treasury. At this time the State entered into a kind of copartnership with the keeper of the Penitentiary, and it was conducted on this plan, under various superintendents, until about 1856, during which time, as the reports show, large sums of money were made by the partnership, but still with loss to the State, the public expenditure, in keeping up the institution, largely exceeding her share of the profits. The system was then changed to the plan of leasing out for a term of years the prison shops, machinery, tools, &c., with the labor of the convicts, and that system has continued till now, the present lease expiring first of March, 1875. The leasing system has proved to be more costly to the State than either of the others. I have obtained from the Auditor a statement of the receipts from, and expenditures on account of, the Penitentiary, each year, beginning with October, 1857, and extending to October, 1872, which is as follows:

YEAR.	RECEIPTS.	EXPENSES.
1857	$7,740 98	$15,146 33
1858	6,600 00	11,798 52
1859	13,633 45	9,599 15
1860	None.	12,322 57
1861	25,200 00	42,248 40
1862	None.	2,807 90
1863	21,308 07	7,138 64
1864	600 00	None.
1865	None.	60,000 00
1866	12,600 00	38,917 00
1867	None.	98,561 27
1868	None.	56,820 79
1869	None.	6,424 50
1870	None.	None.
1871	None.	44,663 77
1872	9,912 15	28,083 53
Total	$97,594 65	$434,532 37
		97,594 65
Excess of expenditures		$336,937 72

Showing an excess of expenditures within that period of $336,937 72. Whilst the State should neither make merchandise of her criminals for a profit to others, nor make penal labor a source of revenue, it is still desirable, and the General Assembly should see to it, that the support of such offenders shall not become a burden upon the good and law-abiding citizens of the Commonwealth. And inasmuch as the plans hitherto pursued for managing and employing our convicts have resulted only in a growing charge upon the public Treasury, it is time, as it seems to me, after seventy-four years unsuccessful trial of them, to seek improvement in some other method.

Three years ago this subject was considered by the General Assembly, and commissioners were appointed who visited many of the prisons of our sister States and made an able, and, I think, conclusive report, contrasting our faulty system with the more improved methods of other States. That report is upon the Journal of the Senate, December session, 1869, on pages 57 to 63, and shows that the Warden system, established and long used in the States of New York, Massachusetts, Ohio, and elsewhere, has proved much more successful than ours, and is not only self-sustaining, but actually yields a net profit annually to the State. A Penitentiary conducted upon such a system is under the control and management of men who represent the State, and manage it not for their own profit, but as directed by law for the accomplishment of the great ends and aims of its creation. This system proposes to keep the prisoner separate from the community whose law he has violated, and whose society he has forfeited; punish him for that violation, that others may be deterred from committing like offenses; compel him to hard labor to pay the expenses which the State has incurred in his prosecution and custody; and, in addition to this, strive to accomplish the still greater purpose of reforming, if possible, and restoring him to society a penitent and useful man. The officers placed in charge of the prison are appointed and paid by the State, and, not being allowed to have any pecuniary interest in the labor of the prisoners, have every inducement to labor faithfully for the ends proposed. As to the cost of this system, if our Penitentiary should be conducted with the same economy as those in other States where this system has been and is now being tried, it may be reasonably expected to become at least self-sustaining. For these, as we learn from the report of the commissioners above referred to,

are so managed that the profits derived from the labor of the convicts—all working within the prison—are not only amply sufficient to defray all expenses, but yield a considerable annual surplus. Why should not a similar result follow the adoption of the plan in Kentucky? But even if such a success were not attained for a few years, and the institution under the new system should continue to be an expense to the State, its condition in this respect can hardly be worse than it is now, and has been for more than half a century; so that no fear on this score can be a proper ground of objection to the experiment.

But there is yet a higher and far more commendable motive for the proposed change—I mean the reformation of the criminal. In the theory which gives to a Penitentiary its birth and name, a merciful philanthropy has allied itself with administrative justice—not to rescue a felon from lawful punishment, but to redeem, if possible, a brother man from crime; it pities while it condemns, and loves whilst it chastens; it denies not to law its claims of retribution, but still forgets not that we live under "the ministry of reconciliation." Such a spirit and aim prompted the establishment of our own institution, as is shown in the preamble of the act which created it; and yet, as the almost inevitable consequence of our present system of management, our Penitentiary has long ceased to be, not only *de facto* but even in theory, a place of penitence—nay, popular opinion regards it as necessarily a school of crime; and unhappily, even with the more intelligent, the very idea of a discipline of reform is too often received with scornful incredulity. But the spirit of advancing civilization and of religion, the exigencies of government, and the welfare of society, will not permit us to accept such a conclusion. Fortunately the age in which we live does not accept it; and much of the best intellect and noblest charity of this century has been devoted to the subject of prison-discipline reform, and efforts for reclaiming the criminal population.

Patriotism and philanthropy alike feel that it is one of the greatest problems which society, for its own security, is compelled to solve; and amidst the diversity of schemes which the subject has evoked, in one thing all who have thought earnestly about it agree, that no plan of treatment can be of any real advantage to society, the tendency of which is not beneficent to the criminal himself. Of such serious and vital importance is this question, so profoundly has it interested the statesmen and philanthropists of all nations, that an International

Congress was held at London last July, in which nearly all the States of the civilized world were represented by their delegates, in the hope of promoting a satisfactory solution of the subject; and although these discussions have by no means solved the dark problem, nor have the "model prisons" erected to realize their ideas fulfilled public expectation, or the hopes of their projectors, still they have helped to determine certain principles of great practical value in dealing with the subject. And, above all, the counsels of the wise and the charity of good men directed to the subject, have aroused a spirit of genuine and intelligent philanthropy, which will not rest until greater results are attained. Such a philanthropy makes no compromise with crime—has no sympathy with the morbid sentiment which is offended at the just punishment of a felon—but seeks to make that punishment a means of good—the discipline of a new life—which shall restore him to society "clothed and in his right mind." It is hopeful, because it believes that the inmates of our Penitentiary are not of necessity the worst of men; that a convict is often placed there, not because he is a monster of depravity, but as an offender against the law, to expiate some rash act to which he has been driven by the sudden violence of passion, or beguiled by the syren voice of some peculiar temptation. It hopes even that few can be so fallen, so utterly lost, that there cannot be found some chord in their better nature responsive to the touch of human or Divine love, which shall awaken memories of former innocence, and inspire longings for a better life.

It would not inscribe upon the gates of our Penitentiary, "whoever enters here must leave all hope behind," knowing that hopeless despair not only paralyzes every virtue in the human heart, but often seeks to forget its wretchedness in the delirious excitement of great crimes. On the contrary, its aim is to make the prisoner feel, that, though punished, he is not forsaken; that society has an interest in his welfare; is hopeful of a better future for him, and surrounds him with incentives to repentance and reformation of life.

By the adoption of a system of which these aims of philanthropy constitute a prominent feature, I feel assured that not only would the interests of humanity be subserved, but the claims of justice promoted. So long as our Penitentiary shall be regarded as an inevitable school of crime—a hopeless den of iniquity—offenders will continue to escape the penalty of the law, jurors will be loath, for a single offense committed by a citizen of otherwise fair char-

acter, to doom him, not only to infamy and despair, but to the contagion of a moral pest-house, from which they believe he cannot escape but with the loss of every trait of virtue. They will be apt even to question the moral right of the State to punish the offense of its citizen by consigning him to certain and utter depravity. Numerous verdicts of acquittal have doubtless been determined by such considerations. It is the reformatory feature of the proposed system which has chiefly induced me to advocate its adoption.

No censure can attach to our present excellent keeper or his predecessors for the evils referred to. They are the fault of the system, and not of the officers, whose duty, I am satisfied, has been faithfully discharged. Indeed, it is difficult to see how they have done so well as they have under such a system.

It is well that this subject should be considered at this time of your meeting, when you will not be embarrassed with a pending election for another term under the present system; and that whatever change you shall in your wisdom deem proper to make, be enacted in a carefully prepared bill to take effect at the close of the present lease.

STATE HOUSE OF REFORM.

The Commissioners appointed pursuant to law, whose duty it was to "contract for the erection and inclosure of the State House of Reform for Juvenile Delinquents," made their report to me about the 25th day of September last, that the house and inclosures were completed and in readiness for the reception of convicts; and in accordance with the provisions of the statute, I issued my proclamation, and caused the same to be published through the State, making known the facts; and thereupon I caused the said buildings and inclosures to be placed in possession of the "Board of Managers" created by the 10th section of the act providing for the erection of the institution. Their report will fully inform you of its progress under their government. The State has entered upon this great enterprise in confidence of accomplishing much good; and now that there has been so much money already expended, and the institution is just beginning to be put in practical operation, I recommend that you reconstruct the laws upon the subject of its management, and make such provisions as will insure economy in expenditures and the success of the institution. It occurs to me that it is unwise to expend any more money in buildings or improvements till the num-

ber of inmates and some fruits of success shall suggest a necessity for it.

CHARITABLE INSTITUTIONS.

Reports from those having charge of the Eastern and Western Lunatic Asylums, Feeble-minded Institute, Deaf and Dumb Asylum, and the Asylum for the Blind, will be laid before you, and will show a gratifying success in their beneficent labors during the past year, and their present condition. There is nothing upon which Kentucky may more justly pride herself than the munificent liberality with which she has endowed and cherished these noble charities. Although the appropriations made for their support consume more than one third of the annual revenues of the State, they have been uniformly indorsed by the people without a murmur. This generous indorsement by our constituents, whilst it encourages us to be liberal, should make us feel under increased obligations to use a wise economy in such expenditures. And yet, great as is our present disbursement for such objects, I feel constrained, in the cause of suffering humanity, to recommend an additional outlay for the relief of an afflicted and helpless class of our fellow-beings. Large numbers of those afflicted with insanity cannot be received and treated in the Asylums for the want of room. Many of these unfortunate beings are confined in the common jails of the State; others have died there during the past year; and still others are confined and guarded in private families. I most respectfully refer to the observations and recommendations on this subject contained in my former message, and only propose to say now that another year's experience strengthens and confirms my convictions therein expressed, and constrains me to again respectfully urge that you make provision for the care and treatment of this entire class of unfortunates.

The report from the Eastern Asylum, situated at Lexington, shows the need of a small outlay of money to afford them better supplies of water. The sum asked for is not extravagant, and I recommend that the appropriation be made.

In connection with this subject, I most respectfully call your attention to the allowances by law for the support of pauper idiots. The State has provided with a liberal hand for the insane, the deaf and dumb, the blind, and the feeble-minded child; but its aid to the more unfortunate idiot is by far the most scant measure of charity bestowed upon any of our objects of beneficence. This class of dependents are usually among the poorest people in the State, and

their surroundings the humblest and most uninviting. None but the mother or other near relative could afford to nurse and care for them even for a large compensation; and yet whilst the State has appropriated large amounts for the benefit of the lunatic, this most needy class of all has an annual per capita allowance of only fifty dollars. I feel it my duty, moreover, to remind you of the further fact that we have within our State a number of idiotic colored persons, who, in former days, had kind masters, who sheltered, clothed, and fed them, and had them tenderly cared for, but are now deprived of such care and protection. They are providentially left amongst us dependent upon the public charity, and the claims of common humanity demand that they should be provided for as well as the lunatic of the same race. We have provided for the latter, and if the law does not already provide for the former, it should be made to do so. I recommend that you increase the allowance to the pauper idiot, at the same time putting into the act the most stringent provisions to prevent fraud and imposition upon the Treasury.

MILITIA.

The importance of amending the militia law of the State, with a view to securing a more ready and useful active militia, in cases of necessity, as well as keeping up an organization, was stated and recommended in my last message. I have only to say, further, that the occurrences of the past year have made these necessities more manifest; and I shall cordially co-operate with you in any bill you shall pass securing these desirable ends.

HON. GARRETT DAVIS.

It becomes my melancholy duty to announce to you that, since your last assembling together, another name has been inscribed upon the roll of Kentucky's illustrious dead. Hon. Garrett Davis, late representative of this Commonwealth in the Senate of the United States, has closed a long and useful life, distinguished alike for private virtues and eminent public services. Honored with various public trusts for the last forty years, in both the State and Federal councils, he brought to the discharge of his duties a zeal and ability which amply repaid the confidence reposed in him, and won him a place among the foremost public men of his day. Firmly grounded in his political principles, honest in his convictions, ardent and bold in battling for what he thought the right—he was at once an indom-

itable party-leader and a conservative statesman. Warmly attached to the union of the States, he was unwilling that it should be maintained at the expense of the Constitution and of the rights of the States; and when he thought these great interests imperiled by the revolutionary measures and novel legislation which succeeded our late civil strife, he stood forth the gallant and unflinching champion of the rights of his State and of all the States. The purity of his life and the integrity of his patriotism, whilst they commanded the respect of his peers and the confidence of his constituents, will make his memory dear to every true lover of his country.

To honor a wise and good public servant is to do honor to ourselves; and I am sure that you need not my recommendation to place on record a suitable testimonial to the worth and faithful services of the departed statesman.

I have appointed and commissioned Hon. Willis B. Machen, of the county of Lyon, to fill the vacancy occasioned by this sad affliction, in the full confidence that the interests of the State intrusted to his hands will be ably and faithfully maintained. It now becomes your duty to fill that vacancy till the end of the term for which Mr. Davis was elected.

HON. JAMES A. M'CAMPBELL.

I regret to announce the death of Hon. James A. McCampbell, who was elected at the August election, 1871, as the Representative of Jessamine county, and who was at his post with you through your session of last winter. He died on the 25th of December, 1872, at his home, among his family and constituents. Upon being officially notified of his death, I issued the proper writ for an election to be held on the 11th day of January, 1873, to fill the vacancy occasioned by his death.

INSURANCE.

Since the adjournment of the Legislature in March last, the Report of the Insurance Commissioner upon the business of 1871 has been published, to which I call your attention as giving important information in connection with this comparatively new branch of the administrative department of the State Government.

The experience of the people of this State in the transactions of the Globe, Kentucky, and some others of the so-called insurance companies, thoroughly aroused them to the necessity of some legal protection against the recurrence of such frauds as were practiced by them, and in 1870 general insurance laws were enacted, placing

under the supervision of a Commissioner all insurance companies doing business in the State.

Insurance needs watching. Sound and well-conducted companies desire it, and those not so must be forced to submit to it. The amount of money involved is enormous, and the public is entitled to all the protection in this respect that can be given by wise laws well administered, through competent officers. I renew the recommendations made in my last message in regard to the Insurance Bureau. An act was passed, entitled "An act to authorize Life Insurance Companies to make special deposits of securities in the Insurance Department." This law makes the State assume to guarantee the safe-keeping and proper application of certain funds of Life Insurance Companies. It was never clear to my mind that this risk should be assumed by the State, or that, under the Constitution, the Legislature could make the whole people responsible for the safe-keeping and proper application of the funds of a Life Insurance Company. It savors too much of the State becoming the guarantor of the insurer, or of lending her credit in aid of a private corporation. It is no doubt better for the limited number who hold registered policies that this safe-keeping and proper application of the whole net value should be guaranteed by the State; but it is a broad departure from those principles which have long characterized the public polity of this State for the Commonwealth to take the risk of keeping and applying the funds of a corporation, without any benefit arising therefrom to the State. The funds thus placed in the care of the State are not cash funds, but mortgages on *what is said* to be unencumbered real estate—*said to* be worth double, or at least greatly more than the amount of money loaned thereon. These deposits may amount nominally to many millions of dollars; but the State authorities cannot, in the very nature of things, know their real value, nor the trouble and expense of realizing the money upon them.

I am informed by the Insurance Commissioner that a certain company, pursuant to the provision of this law, deposited with the said Commissioner and State Treasurer a large amount of securities, consisting of notes and mortgages on real estate, for moneys loaned by the company, all executed in due form, and of which notice was properly given. Notwithstanding, copies of these securities were obtained by another Insurance Company, claiming some sort of interest in them, and suits were brought and judgments obtained, and

a sale of the mortgage property was only prevented by the interven tion of the Attorney General on behalf of the State. This transac tion shows the instability as well as insecurity of such pledges. The effect of the law is to give to the company making the pledge a factitious credit and standing with the people, unless, indeed, the State is responsible to the policy-holders for the amount of the pledge—a question which I do not now propose to discuss. But whether legal responsibility attaches or not to the State, the lan guage of the act is broad enough to authorize an equitable claim, such as the Legislature would find difficult to ignore, and all this, too, in a matter in which the State, under no contingency, can de rive a particle of benefit. I was so impressed with doubt and dis trust of this legislation at the time the bill passed, that I declined giving it the approval of my signature, and I now respectfully recommend its repeal before further liabilities shall be incurred by the State.

In a recent communication to the Auditor, the Insurance Commis sioner has reported the main facts in reference to an examination of the affairs of the Globe Mutual Life Insurance Company, of New York, commenced by him, which the company evaded by withdraw ing from the State. It is difficult to see how cases of this kind can be provided for by legislation of this State; but it is important that the people should know, that, under existing laws, an Insurance Company not organized by authority of this State can escape legal examination by the Insurance Commissioner of Kentucky by with drawing from his jurisdiction. I trust that in your wisdom some measure may be devised to guard against such license.

GEOLOGICAL SURVEY AND IMMIGRATION.

These two important subjects were discussed at some length in my former message. I am so profoundly impressed with their value to the people of the State that I cannot forbear again most respect fully and earnestly inviting your attention to their consideration. They are subjects exciting the interest and favorable action of our sister States, and certainly none have more to expect from the ad vantages they offer than our own. I can conceive of few enter prises in which the State could embark that would yield richer re turns to our people.

RAILROADS.

It is gratifying to note the healthy progress of railroad develop ment in the State during the past year, notwithstanding a certain

financial stringency which has prevailed throughout the country. Since your last session, the Elizabethtown and Paducah Railroad, 185 miles in length, has been opened for travel, and already shows its beneficial results in bringing into closer communication portions of the State which have heretofore been isolated or only accessible by circuitous routes. Penetrating as it does the western coal and iron fields of Kentucky, it is already developing rich mines of the former, the products of which are finding their way to market, and thus securing a double purpose in furnishing a cheaper fuel, and relieving us from the wasteful drain heretofore incurred in receiving our supplies of coal wholly from other States. The valuable beds of iron ore along the line of the road are also thus brought to the attention of capitalists, and we shall doubtless soon see the mining interest of this portion of the State an important source of revenue to its citizens.

I am gratified also to know that while the western portion of the State has been thus benefited, incorporated capital has been equally active in looking to a similar development of the rich eastern counties. The Elizabethtown, Lexington, and Big Sandy road has been completed from Lexington to Mount Sterling, and during the current year will be pressed forward to the mouth of the Big Sandy, to connect with the Chesapeake and Ohio. The latter road, extending from Richmond, Virginia, to Huntington, on the Ohio river, a distance of more than four hundred miles, is approaching completion, and will in a few weeks be open for travel. Although it lies beyond our territory, its importance, as the opening of a new trunk-line of communication between tide-water and the Ohio Valley, justifies me in hailing its completion as an event fraught with great interest to Kentucky. When the Elizabethtown, Lexington, and Big Sandy Railroad, which pierces our eastern, as the Paducah road does our western, coal and iron fields, shall have been completed, we shall then have an unbroken line of communication with the eastern and northern cities, which, by its easier grades and shorter distance, cannot but contribute largely to the more economical shipment of our productions, as well as the general development of our mineral and agricultural resources.

Other roads of scarcely less importance are in course of construction, and the day is not far distant, I hope, when the facilities for travel may be such that it may be true here, as in some of our sister

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States, that every county seat can be reached from the Capital, and the return journey made in twenty-four hours.

STATISTICAL BUREAU.

I heartily renew a recommendation made by my predecessor, in his annual message at the session of January, 1869, for the establishment of a Statistical Bureau. I am frequently called upon for statistics of the Commonwealth, which neither the Executive nor any other of the State offices can supply. In the message referred to, the Governor calls attention to the fact that no care had been taken of State publications; that it would be difficult to find a connected series of the Auditor's and Treasurer's Reports. But even were this cared for, it would not meet the wants of the case. Something more than an office for the custody of public documents is needed. The statistical information contained in the annual reports of the several administrative departments is not only meager, but, being for the most part undigested, is rarely available or satisfactory to the inquirer. An office of General Statistics is required. It is strange that a species of knowledge so important to the political economist, the philanthropist, and to every branch of industrial enterprise, as well as of the highest practical value to the statesman, should have been so long and so entirely neglected. How often is the legislator embarrassed for the want of such information, and, after long and laborious research, forced to content himself with a scanty and unsatisfactory statement of facts which such a Bureau could have, perhaps, in a few minutes, amply supplied. Should you determine upon the establishment of such a department, I trust that it will be made comprehensive in its scope, embracing vital, social and physical, as well as political, statistics. The agricultural, mechanical, commercial, educational, in short, all the important interests of society, should be included within the sphere of its labors. Nor will the purpose of its institution be accomplished by merely exhibiting the actual condition of these interests. It should be its duty to collect, digest, and at times publish, such facts and information as would tend to develop and perfect them. Its library, therefore, should contain not only the State publications and others properly and technically statistic, but works of applied science and treatises of practical value in the useful and economic arts.

I am satisfied, moreover, that the information derived from such a Bureau, properly digested and diffused among the European popu-

lation, would be effective in inducing many of the better class of immigrants to seek homes in this State. A department of this nature can avail itself, to a great extent, of the agency of all the departments of government in collecting the facts for its use. The cost of such an institution need not be great, whilst I am well assured the benefits to the public will be valuable for all time to come.

THE VIENNA EXPOSITION.

An event, in which all the nations of the civilized world are manifesting an interest, will take place at Vienna, Austria, in May, in the holding of an Exposition for the manufactures and products of every country. The United States Government has appointed a Commissioner to make proper arrangements for the exhibition of articles sent from this country, and I have received communications inviting the co-operation of the General Assembly and people of Kentucky to secure a proper representation of our products and manufactures. I commend the subject to your attention, and, without going into the details of any plan for effecting the object, suggest that, if properly improved, it may be made the occasion for a most favorable presentation to Europe of the advantages which Kentucky presents for the industrious immigrant, or the capitalist seeking investment in mines or manufactures.

THE CENTENNIAL.

The proposition to signalize the Centennial Anniversary of the Declaration of Independence has assumed form, and it is proposed to hold a grand International Exposition at Philadelphia. Various suggestions have been made as to the action which should be taken by the States to promote the success of the occasion; but as no scheme has been presented for uniform action, and the whole undertaking not sufficiently developed in its scope, nor the terms upon which we are invited to participate, I limit myself to a mere mention of the subject, without specific recommendation of any kind.

EDUCATION.

In the age in which we live, alike distinguished for its achievements in science and the arts and for the advancement of learning and the general diffusion of knowledge, the subject of education has almost, of necessity, not only become matter of the deepest interest to society, but claims and receives the protection and fostering care

of government. When the aid of the State was first invoked, there were found some strict theorists, who, believing that Governments in their proper sphere are limited to the protection of material interests, and that the support of education, like that of religion, should depend upon the voluntary principle, felt grave doubts as to the propriety of its intervention. But the magnitude of the interests involved in it as a practical question soon silenced every voice of opposition, and to-day there is no department of State administration more honored or appreciated than that of public instruction. We begin to realize that the children of the State are its most precious treasure, and that among the trusts committed to those in authority there are none higher nor more sacred than that of providing for the training of our youth in knowledge and virtue.

I call your attention to the very able, explicit, and satisfactory Report of the Superintendent of Public Instruction for the last school year. No friend of education will read that paper without feeling renewed interest in the subject. It will be seen that the school attendance has been increased by nearly eleven thousand children during the past year, and that but seventy-three of the 5,381 school districts in the State failed to have schools taught under the law.

The steady increase of interest among the people, as manifested from year to year, and the indomitable energy which the head of the department brings to the work, inspire us with the fullest confidence that very soon every school district in the State will gather up its children and put itself on record as part of this great enterprise.

It is a matter of the highest moment that the people of Kentucky shall, with one accord, and at once, determine upon having and sustaining a system of common schools.

Whatever political or other differences may obtain among us, this is one about which we cannot afford to differ. It is, and should be, the pride of the State to preserve her own schools, regulated and controlled in her own way, and to keep in her own hands the education of her children. We have witnessed various efforts that have been made to induce the Congress of the United States to set up a system of "National Education," which, if done, would virtually take away from the State the control of this subject. It is alarming to contemplate the success of such a scheme. Its direct and inevitable tendency would be to destroy our identity as States and as the people of separate States; to promote at once the consolidation and

centralization of all political power in a Federal Government, and alter at least those forms and institutions of freedom which we have ever regarded as essential to the maintenance of our constitutional liberty.

It will become your duty to make such enactments as will cure any defects discovered in the workings of our school laws, so as to render them more efficient in securing instruction to every part of the State. The success which the system has attained in the past is doubtless, in a great degree, attributable to the perseverance and industry with which our Superintendents, traversing the State, have in person urged its claims upon the people; and this means of securing further strength to the cause ought not to be allowed to cease. In order to defray the expenses necessarily incurred in accomplishing a thorough canvass of the State, as well as to supply clerical force needed in the office, I recommend an increase of the compensation allowed by law to the Superintendent.

I most respectfully again call your attention to the recommendation made in my last annual message on the subject of organizing a system of education for our colored population. The education of this race is not a duty of charity alone, but is demanded by the best interests of society. They form a numerous class of our citizens, sharing with us in civil and political rights, upon whom, too, we are largely dependent for carrying on the industry, especially the agriculture, of the State; and just in proportion as they shall be left in ignorance and vice, or improved in morals and intelligence, by the discipline of a suitable system of education, they will become to the Commonwealth, on the one hand, an incubus of pauperism and crime; on the other, a useful part of our population. Many of these people are struggling hard in the direction of educating their children, and have shown a wonderful measure of success. I trust you will not fail to provide for a system of schools for this portion of our population, and offer them encouragement and assistance in this important department. Should such a system be adopted, and provision made for the free education of all the children of the Commonwealth between the ages of six and sixteen years, Kentucky would be entitled, under the law of Congress, to her *pro rata* share in the net proceeds of the public lands, which could be either appropriated as an ample provision for the education of the colored race in the State, or divided between them and the schools for whites, as may be thought best.

PUBLIC OFFICES.

The Auditor and Treasurer having removed to the offices provided for them in the new fire-proof building, I caused to be fitted up the old offices, and assigned them to the Clerk of the Court of Appeals, Quarter-Master and Adjuant General. I have also caused to be surrendered to the owner the private room heretofore rented on account of the State for the storage of books, and have had the books deposited in one of the unfinished rooms in the new State building. The State has thus been relieved of three items of rent, and the Court of Appeals room from the encumbrance of the Clerk's office. There are yet other public officers who cannot be accommodated on the Capitol Square. Moreover, the Library rooms in the Capitol are fast filling up, and their capacity will soon be exhausted. It is of the utmost importance that the State shall cease to be a renter from individuals, and that sufficient accommodations be provided on the public grounds for all her offices, and for the safe-keeping of the public property pertaining thereto; and also, that some further safeguards be provided by law for the protection of the State's grounds, Capitol, and other public buildings. I therefore recommend again that you pass such bill as will insure the early completion of the new edifice commonly called Fire-proof Offices.

The State Arsenal is situated on a lot of land covered entirely by the building, except a narrow space leading to the street on one side. The land all around it, except this narrow outlet, is owned by a private citizen, who has placed it upon the market. He owns from three to five acres adjoining the lot on which the building stands, all now lying out as commons. It would be very inconvenient to the State for these lands to be inclosed, and thereby all access to her armory, except by means of the one narrow way above mentioned, cut off. I therefore recommend that authority be given to purchase, for the State, so much of those lands as will be needful for her purposes.

REVISION OF STATUTES AND CODES OF PRACTICE.

Pursuant to the requirements of an act of the Legislature, the Judges of the Court of Appeals and myself nominated to the Senate five gentlemen as Commissioners to revise the Statutes and Codes of Practice, which nominations were confirmed by the Senate. Hon. R. T. Davis, one of the Commissioners, subsequently declined to ac-

cept the position, of which I was notified, but not in time to fill his place on the commission before the adjournment of the General Assembly. Judge James M. Nesbitt was afterwards appointed and accepted the position. Thus the commission was made up of Hon. James M. Nesbitt and Hon. E. I. Bullock for revision of the Statutes, and Hon. Richard A. Buckner and Hon. Josh. F. Bullitt for the Codes of Practice, and Judge George W. Craddock umpire of both boards. The Commissioners entered at once upon the important work assigned them with a commendable zeal, and have applied themselves assiduously; but whether they will be enabled to make a final report to the General Assembly at the present meeting, I am not advised. I am informed that the revisors of the Statutes will have their work in a condition to lay it before your honorable body, if not complete in all respects, in such a state of forwardness as to enable you to judge of its merits and to pass upon it. A revision of the Statutes and Codes of Practice having been determined upon by the Legislature, it should be thorough and well done. I fear the time provided for its completion in the act will not be sufficient to secure the benefits to the public interest that was expected by the friends of the enterprise. To codify and properly arrange the whole body of the laws of the State is not a work of ordinary magnitude. I feel assured, from the high standing in their profession of the Commissioners in charge of this important work, that their reports will show the wisdom of their selection, in the successful accomplishment of the task assigned them.

SPECIAL LEGISLATION.

Assembled again, as you are, at the Capitol of the State, to consult and deliberate upon the great subjects of general and public interest to the Commonwealth, I most respectfully recommend that you do not allow your time to be employed, or the people of the State to be taxed, for any measures or schemes of a local and private character, where the object sought can be attained in the courts. And if our laws are not sufficiently comprehensive for that purpose, I suggest that they be amended so that the courts may grant the relief or privileges which have hitherto consumed so much time, and been so burdensome upon the Public Treasury.

In conclusion, I invoke your earnest attention to the subjects I have herein laid before you, as well as such others as may arise during

the session. Many of those named require careful investigation, and all deserve action as prompt as is consistent with thorough consideration. In all your labors I shall most cheerfully co-operate with you in every manner in which I can facilitate your deliberations or contribute to the welfare of the Commonwealth.

P. H. LESLIE.

DOCUMENT ACCOMPANYING GOVERNOR'S MESSAGE.

FRANKFORT, December 17th, 1872.

HON. P. H. LESLIE, *Governor of Kentucky:*

SIR: We have the honor to present our quarterly report as Inspectors of the Kentucky Penitentiary. Since our last the work on the extension has been steadily pressed, and appears to be done in a substantial manner. The recent cold weather was a very serious hindrance, especially to the bricklayers, but at the present time they are progressing as rapidly as circumstances will admit. When the buildings in process of erection are completed they will prove a valuable addition to the institution, and add to the comfort of the female department.

Another improvement, which we have heretofore urged as essential, is in progress. We allude to the enlargement of the office buildings at the front entrance. The Clerk and Keeper have both been subjected to great inconvenience by the bad condition of the roof that covered these structures, and their inadequacy to answer the purposes for which they were designed. The Clerk had no room sufficient for his books, and the Keeper had no private office where he could receive visitors or transact his business, and the dingy appearance that met the eye was anything but creditable to the State. When finished, this improvement will be appreciated both for its appearance and convenience.

There are several matters which we deem of considerable importance, and to which we would call special attention.

1. THE HEMP DEPARTMENT.—The manufacture of this staple into bagging, and dressing and baling it, is one of the principal resources of the prison, and yields, perhaps, the largest return to the Keeper. Unfortunately, however, for the convicts engaged in this branch of labor, it is a prolific source of a severe and fatal disease. Inhaling the small particles of hemp, the lungs become greatly oppressed,

and the cases of pneumonia that result are not only numerous, but, in many instances, rapidly terminate in death. This is owing to deficient ventilation of the building; and until this is fully accomplished, the consequences referred to will never cease. The question has been asked, why these results are not seen in the hemp factories throughout the country? The answer is plain. In nearly every instance of the latter character the labor is performed in an open shed, where the lint and dust is blown away, and, in addition, the laborer has his hours of respite, during which he can resort to the open air, and repair his energies. In the prison the convict is taken from his cell early in the morning, goes to his task, and works until breakfast. Going directly from his shop to his meal, and from the meal back to the shop, he undergoes the regular routine until dinner. Then to the dining hall, and again back to his shop, he is similarly employed until supper, and after that meal he is marched to his cell. Having no opportunity whatever, except on the Sabbath, to escape the exposure to the flying particles of hemp, it is really a wonder that a greater number do not fall victims to the malady that ensues. As to the particular mode of applying the remedy, we do not make any suggestions; but mention the fact, that, for such a step, we believe there exists a pressing necessity.

2. THE FEMALE DEPARTMENT.—Subsequent to the late war, such was the demoralized condition of the country, that nearly all the punitive institutions of the land were filled. The demoralization did not confine itself to the male sex, but quite a number of females, both white and colored, were brought to the bar of justice to answer for crime. The sudden transition of the negro race from servitude to freedom, necessarily caused many of them to go astray, and in the commission of acts of thieving the females bore quite a prominent part; and in almost every case where they were formally tried, they were convicted, and sentenced to the Penitentiary. Some of them came to the prison in a condition of pregnancy, and, in some instances, with young children in their arms, only a few weeks old. There being no provision made for lying-in women, those that were pregnant were always pardoned by the Executive, whilst those of the latter class were pardoned before they were received by the Keeper. The number of pardons, on account of pregnancy, became rather numerous, and the Inspectors brought the subject before the joint committee of the Legislature, and recom-

mended that some action be taken thereon. This the committee refused to do, replying "that they preferred to leave the whole affair in the hands of the Governor." For cases like the above the law makes no provision. The Keeper cannot legally detain the offspring, and it would be inhuman to take it from the mother; whilst the offense of the latter might be such as to render it imperative to incarcerate her. We respectfully suggest that some steps be taken to meet such cases; either that some provision be made for the confinement of the prisoner, or the counties from whence they come be required to detain them until some provision is made for the child

3. THE PRIVY.—This is located close by the hospital, and, owing to the scarcity of water, it is never properly cleansed. The stench from it is almost intolerable, and the use of disinfectants avail but little in removing it. After consultation with the physicians, we arrived at the conclusion, that the only mode of remedying the evil is to have it placed in some other part of the yard, with a sewer of sufficient size to communicate with the main one, over which it now stands, dig near it a very large cistern, and from this force the water to a large tank on the roof. It should be thoroughly washed out each day, and never be permitted to clog. In this connection we would venture a suggestion for the hospital privy—either to have a tank of water in order to cleanse it out, or resort to the use of the earth closets. If the large privy is removed, easy connection could be established between the hospital and the sewer, and there is always a sufficient number of convalescents to keep it clean. The testimony, however, in favor of the earth closets is very strong, provided they are abundantly supplied with finely pulverized dirt.

4. SLAUGHTERING HOGS IN THE YARD.—A number of years ago there was a small inclosure outside the walls, which communicated with the yard by a strong, substantial gate, and which was used exclusively for slaughtering purposes. An extension of the wall was made, and the "bull-pen," as it was termed, was done away with. Why, we could not understand, for it certainly answered a valuable purpose, and we would respectfully suggest that no animals should be either kept or killed in the yard. The season of hog-killing has something to do with preventing any bad consequences that might otherwise ensue, as the weather is usually cold and bracing at that period

and furthermore, the portion of the yard selected is the best one possible for the purpose, being directly over a sewer that conveys off the blood and filth. Notwithstanding this, it gives a most repulsive appearance to the yard. The offal is more or less scattered for a distance around, and whatever efforts are made towards cleaning up, it is seldom fully accomplished until a good rain falls and washes away the traces left behind.

We have carefully examined the new floor that was laid in the cell-house the past summer, and can commend it, not only as a well executed piece of work, but also as most admirably adapted to the place. It is composed of coal tar and sifted gravel, and, in addition to its firmness and solidity, it appears to be an effectual safeguard against vermin, which were a great annoyance to the convicts.

In reference to the hospital, we can speak in terms of commendation, both as to its appointments and management. It is always kept in excellent order, cleanly, and well supplied with whatever adds to the comfort of the sick. The attending physician, Dr. W. B. Rodman, and house physician, Dr. R. W. Wilhoit, are competent and attentive, and we believe the reports from that department will compare favorably with those from any similar institution in the country. The pneumonia, resulting from the hemp, referred to above, is the chief obstacle with which the medical attendants have to contend, and as it is governed by none of the laws that control disease, the wonder is that as many escape as do. The hackling-house is situated just south of the hospital, and it is no unusual thing for the floor of the latter to be covered with the small dusty lint that literally creeps into every crevice where it can find an entrance. This lint is so very fine and minute as to be almost imperceptible, and by applying a fine brush to the floor, it is astonishing to see the quantity that accumulates in a short space of time. This constitutes an additional reason for having the hemp-house so constructed as to afford as free ventilation as possible.

We herewith inclose a copy of the rules placed in our hands by the Keeper. They are the same that have been in force for several years past, and meet our approbation. There are other rules that must be made as the exigencies of the case may demand, or as discretion dictate, that are not printed, and must be necessarily left to the sound judgment of the Keeper; but the main points of the government of the prison are comprised in the copy with this report.

Concerning the modes of punishment we have made strict inquiry, and are assured that whenever whipping is administered, the number of stripes never exceeds ten, the limit of the law, and frequently a less number suffices. We would express the opinion, that, if practicable to do so, some other mode of punishment should be adopted.

One other subject, upon which we would express our opinion, is the necessity for a change in prison discipline and management. Under the present system, the sole object of the Keeper is to make it profitable; and if the object of such institutions is to look towards reforming the prisoner, the present mode of conducting the Penitentiary must necessarily fall short of attaining it. Of course, we could not, in the limits of a report like the present, recommend any plan that would fully accomplish the desired end. This could be done only after mature deliberation, and the comparison of the various modes now adopted; but we throw out the suggestion, and if it be deemed worthy of notice, your Exeellency can call the attention of the Legislature to it.

Very respectfully,

J. M. MILLS,
F. CHINN, SR.,
GEO. A. ROBERTSON,
Inspectors Kentucky Penitentiary.

PRISON RULES,

To be Observed by all the Prisoners Confined in the Kentucky Penitentiary.

At the ringing of the first bell at daylight, the prisoners will rise, dress themselves, put in order their rooms, and be in readiness for business.

At the second ringing, the cell doors will be thrown open, each prisoner will then station himself at his cell door, observing profound silence.

At the third ringing, each prisoner will proceed, in haste, to his appointed place of labor, where he will first wash himself, and then proceed without delay to business, where the following rules are to be strictly observed:

All conversation, except on business of the yard, is strictly prohibited.

When persons visiting the institution, on business or otherwise, shall speak to a prisoner, he is not to reply without permission from the Keeper, or, in his absence, one of his Assistants.

Every man is required to remain in his place, nor is he permitted to leave for materials, water, or under any pretense, save to the privy, but must ring the bell for the waiter or foreman, who will, in all cases, provide for his wants.

Gazing on persons passing is strictly forbidden.

At the first ringing of the bell, at meal-time, such as have iron in the fire, machinery running, &c., will make preparation to leave.

At the second ringing, each shop will form themselves into a line of double file, the foreman, in all cases, in the rear, and proceed to the table in order and in silence, where each one will take his station near his plate.

When the table bell is rung all will take their seats, and commence eating in silence.

When bread is wanted, the hand must be held up.

When meat, the knife.

When vegetables, the fork.

When water, coffee, or milk (when we have them), the cup.

When soup is wanted, the spoon must be held up.

When any sign is made, and not noticed, the knife, &c., may be rattled on the table, and held up again.

When the table bell is rung the second time, all will rise at the same time and return to their places of business in the same order as when they came.

At the first ringing of the bell for locking up at night, the fireman at the engine, the blacksmiths and foremen of shops, will hasten to put out all the fires and prepare to leave.

At the second ringing, the line of march will be formed in the same manner as when going to meals, and all will proceed forthwith to the cell door, where they will form two columns of double file in complete order, observing profound silence, when the roll will be called.

When the token is given for entering the cells, each prisoner will retire to his own cell, and he is strictly forbidden from entering any other cell than his own.

Strict morality is required of all, and every species of profaneness, obscenity, or insult to one another, positively forbidden.

The foremen are required to report the disorderly of their respective shops.

In any case of difficulty arising between two or more prisoners, in the absence of the Keeper, an investigation of the same shall be had by the Assistant Keeper in charge of the institution; but should one of the prisoners be dissatisfied with the investigation, he may, by applying to the Assistant, appeal directly to the Keeper, and the case shall lay over until his return.

When charges are preferred against one prisoner by another, the accused shall be allowed a fair hearing.

Mr. Sneed then moved the following resolution, viz:

Resolved, That the Public Printer be directed to print 4,000 copies of the Governor's message, with paper covers, enveloped and

stamped, ready for distribution by mail, for the use of the members of the Senate.

Which was adopted.

Mr. Webb read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Quarter-Master General be, and he is hereby, directed to cause a national salute of thirty-seven guns to be fired this day at 12 o'clock, M., in honor of our brave soldiers who fought in the battle of New Orleans, January 8th, 1815.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

Mr. Prichard moved the following resolution, viz:

Resolved, That that portion of the Governor's message relating to the financial condition of the State, be referred to the Committee on Finance; that portion relating to the Penitentiary, to the Committee on Penitentiary and House of Reform; that portion relating to Criminal Law and Courts, be referred to the Committee on Courts of Justice; that portion relating to the Revision of the Statutes and Codes of Practice, to the Committee on the Judiciary; that portion relating to Insurance, to the Committee on Banks and Insurance; that portion relating to Militia, to the Committee on Military Affairs; that portion relating to Railroads, to the Committee on Railroads; that portion relating to Geological Survey and Immigration, to the Committee on Immigration and Labor; that portion relating to Education, to the Committee on Education.

Which was adopted.

On motion of Mr. Barlow, leave of indefinite absence was granted to Mr. Gatewood.

Leave was given to bring in the following bills, viz:

On motion of Mr. Hargis—

1. A bill to prohibit the sale of intoxicating liquors or mixtures thereof on the Christian Sabbath day.

On motion of same—

2. A bill to repeal an act for the protection of sheep in the counties of Nicholas, Gallatin, and Fleming, approved March 9th, 1872.

On motion of Mr. McAfee—

3. A bill to amend the charter of the city of Lexington.

On motion of Mr. Prichard—

4. A bill to incorporate the Chattaroi Railroad Company.

On motion of Mr. Dorman—

5. A bill to charter the Owenton High School.

On motion of Mr. Wm. Johnson—

6. A bill to amend the charter of the Bardstown and Green River Turnpike Road Company.

On motion of Mr. Connor—

7. A bill to incorporate the Owingsville and Owingsville Depot Turnpike Road Company.

On motion of Mr. Pope—

8. A bill to establish a Bureau of Immigration.

On motion of same—

9. A bill to exempt banking surplus from taxation.

On motion of same—

10. A bill to amend an act, entitled "An act to amend chapter 47, section 16, title 'Husband and Wife,'" approved February 14th, 1866.

On motion of same—

11. A bill for the benefit of Schwartz & Co., bankers.

Ordered, That the Committee on Religion and Morals prepare and bring in the 1st; the Committee on the Judiciary the 2d, 3d, and 10th; the Committee on Railroads the 4th; the Committee on Education the 5th; the Committee on Internal Improvement the 6th and 7th; the Committee on Immigration and Labor the 8th, and the Committee on Banks and Insurance the 9th and 11th.

And then the Senate adjourned.

THURSDAY, JANUARY 9, 1873.

Messrs. Holt, Talbott, Hawes, Standiford, and Hale appeared and took their seats in the Senate.

Mr. Talbott presented the petition of sundry citizens of Garrard county, praying the repeal of an act approved March 9th, 1867, authorizing the trustees of the town of Lancaster to refuse or grant license.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

On motion of Mr. Prichard, the leave introduced by himself on yesterday, to bring in a bill for the construction of a railroad, and referred to the Committee on Railroads, was withdrawn from said committee and referred to a select committee, composed of Messrs. Prichard, Whitaker, Cooper, W. Johnson, and Gilbert.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Haydon, from the Committee on Internal Improvement—

A bill to amend the charter of the Bardstown and Green River Turnpike Road Company.

By Mr Hargis, from the Committee on the Judiciary—

A bill to repeal an act, entitled "An act for the protection of sheep in the counties of Gallatin, Nicholas, and Fleming," approved March 9th, 1872.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Wm. Johnson—

1. A bill to establish a Superior Court for this Commonwealth.

On motion of Mr. Prichard—

2. A bill to incorporate the East Kentucky Library Association.

On motion of Mr. Pope—

3. A bill for the benefit of the Door-keepers of the Senate and House of Representatives.

On motion of same—

4. A bill to incorporate the Spring Station Railway Company.

On motion of Mr. Sneed—

5. A bill for the benefit of Joseph Robinson, late sheriff of Franklin county.

On motion of Mr. Holt—

6. A bill for the benefit of Cadiz common school district in Trigg county.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st and 3d; the Committee on Library and Public Buildings and Offices the 2d; the Committee on Railroads the 4th; the Committee on Finance the 5th, and the Committee on Education the 6th.

And then the Senate adjourned.

FRIDAY, JANUARY 10, 1873.

Messrs. Casey and Wrightson appeared and took their seats.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution, which originated in the Senate, entitled

Resolution directing the firing of a national salute at 12 o'clock, M., January 8th, 1873.

That they had adopted a resolution, entitled

Resolution providing for the selection of a joint committee to whom shall be referred the report of the Commissioners to revise and codify the Statutes.

Said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of ten be appointed by the Speaker of the House, and six be appointed by the Speaker of the Senate, to whom shall be referred the report of the Commissioners to revise the Statutes of this Commonwealth.

Mr. Prichard then moved to amend said resolution as follows, viz:

Strike out the word "ten," and insert in lieu thereof the word "six," and strike out the word "six," and insert in lieu thereof the word "five."

Mr. Whitaker then moved to amend the amendment proposed by Mr. Prichard as follows, viz:

Strike out the word "six," and insert in lieu thereof the word "ten," and strike out the word "five," and insert in lieu thereof the word "seven."

And the question being taken on the adoption of the amendment proposed by Mr. Whitaker, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Frazer and Holt, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	E. D. Standiford,
Robert Boyd,	Jesse C. Gilbert,	Ben. J. Webb,
G. W. Connor,	G. A. C. Holt,	Emery Whitaker,
F. W. Darby,	A. L. McAfee,	Thos. Wrightson—14.
J. H. Dorman,	O. D. McManama,	

Those who voted in the negative, were—

R. A. Burton,	Edwin Hawes,	K. F. Prichard,
W. McKee Fox,	J. B. Haydon,	W. H. Sneed,
W. W. Frazer,	William Johnson,	A. G. Talbott,
H. S. Hale,	Alfred T. Pope,	W. L. Vories—13.
Thomas F. Hargis,		

The question was then taken on the adoption of the amendment proposed by Mr. Prichard, as amended, and it was decided in the affirmative.

The question was then taken on the adoption of the resolution as amended, and it was decided in the affirmative.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

EXECUTIVE OFFICE, FRANKFORT, KY., January 7th, 1873.

Gentlemen of the Senate:

The bill which originated in your body, entitled "An act to authorize the counties of Trigg and Calloway to subscribe stock in ra

roads," confers upon the counties of Trigg and Calloway the power and capacity to subscribe stock to aid in the completion of any line of railway which may hereafter be built or extended through either of the said counties, the subscription to be made only when a majority of the votes cast in such county, at an election for that purpose, shall be in favor thereof. The county court of the county is made the agent of the county to contract with any railway company *upon such terms as the court may deem best* for the building and completion of such road; and is empowered to issue the bonds of the county, deliver them to the company, and provide by taxation upon the property of the county for their payment; *and very ample provision is made to compel its collection and payment.* The closing provisions of the bill are to the effect that "all the State tax and revenues, except that going to the Sinking Fund, arising or growing out of the increased value of the real estate of such county so subscribing to aid in the construction of a railroad, over and above the present valuation thereof, shall be set aside and *appropriated* to the discharge of the interest and principal of the bonds issued under this act."

The bill thus gives authority to the county to create a debt, unlimited in amount, upon the property of the county, and sets apart and pledges a portion of the public revenue of the State for the payment thereof. How much that debt shall be, what rate of interest it shall bear, and when it shall be paid, are questions not to be settled by the people's representatives, but by the majority vote of the county and the county court. Under this bill the public revenue of the State is pledged. Whilst this may not be a technical violation of article 2, sections 33 and 36 of the Constitution, yet it is in some sense giving and loaning the credit of the State, and contracting a debt on behalf of the State, in conflict at least with the spirit and general tenor of those sections of the Constitution. The 40th section, same article, provides "that the General Assembly shall have no power to pass any act or resolution for the appropriation of any money, or the creation of any debt exceeding one hundred dollars at any one time, unless the same, on its final passage, shall be voted for by a majority of all the members then elected to each branch of the General Assembly, and the yeas and nays thereon entered on the Journal" The amount of money appropriated by this bill certainly exceeds one hundred dollars—indeed, may be a very large sum—and yet the Journals do not show by what majority it was passed, or that the yeas and nays were taken thereon.

If the Legislature has the power to donate part of the public revenues of the State, and pledge them to the payment of the bonds of Trigg and Calloway counties, the same may be done for any other two or number of counties, until the inevitable result would be, the most glaring state of inequality and oppression in the taxation necessary for the support of the government. Regarding the bill as founded in a dangerous policy, and in conflict with the organic law of the State, I must withhold my approval, and most respectfully return the same, with these suggestions, for your consideration.

P. H. LESLIE.

The bill referred to in said message reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the counties of Trigg and Calloway are hereby authorized and empowered to subscribe stock to aid in the construction of any line of railway which may hereafter be built or extended through either of the said counties; and that such subscription shall only be made by a vote of the legally qualified voters of said counties, and may be made by the vote of the majority of the votes cast at a regular election, ordered as hereafter expressed.

§ 2. That the said subscription shall never be made jointly by the said counties, but shall only be made severally and singly by that one of said counties through which such line of railway may extend.

§ 3. Said election may be ordered by the respective county courts of said counties, a majority of the justices of such county agreeing thereto, upon such terms and conditions as may be agreed on between the said county court and any railroad company which may have a charter, or desire to run a line of railroad through such of said counties; and when, at an election provided for and called as aforesaid, it shall appear that a majority of the votes cast are in favor of making such subscription, then it shall be the duty of said county court of said county so desiring to subscribe stock to appoint an agent to make the said subscription upon the terms and conditions, and in the manner before agreed on, by and between such county court and railroad company.

§ 4. That when such subscription shall be made as heretofore provided, it shall be the duty of said county court of the county so subscribing to issue the bonds of such county for the amounts, and at the rate of interest, and in all other respects and manner as may have been agreed on as aforesaid, and deliver the same through the agent of said county to the railroad company, according to the tenor and spirit of the agreement previously made between such county court and railroad company.

§ 5. That it shall be the duty of both the railroad company and county making an agreement under the provisions of this act to carry out and faithfully perform all the provisions of such contract, when made, as hereinbefore provided; and the county court of the county so subscribing shall make all necessary provisions, and lay all necessary taxes upon persons and property, or either, in said county, to pay the bonds issued, and the interest thereon, as the same may fall due; and the said county court is hereby empowered to appoint agents and attorneys and collectors to assess the property in said county, and to collect the taxes assessed for the purposes aforesaid; and such agent or person so appointed shall have all the powers and rights of a sheriff of this Commonwealth to carry out the objects of this section; but it shall be the duty of such collector to execute bond, and qualify as such collector in the same manner, and discharge the duties of such office under the same requirements and penalties, as now pertain to the office of sheriff; and all the State tax and revenue, except that going to the Sinking Fund, arising or growing out of the increased value of the real estate of

such county so subscribing to aid in the construction of a railroad, over and above the present valuation thereof, shall be set aside and appropriated to the discharge of the interest and principal of the bonds issued under this act.

§ 6. This act to take effect from its passage.

The question was then taken, "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" and it was decided in the negative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

In the affirmative, none—

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	K. F. Prichard,
Robert Boyd,	Thomas F. Hargis,	W. H. Sneed,
R. A. Burton,	Edwin Hawes,	E. D. Standiford,
G. W. Connor,	J. B. Haydon,	A. G. Talbott,
F. W. Darby,	William Johnson,	W. L. Vories,
J. H. Dorman,	A. L. McAfee,	Ben. J. Webb,
W. W. Frazer,	Alfred T. Pope,	Emery Whitaker—22.
Jesse C. Gilbert,		

The Speaker laid before the Senate the address and report of the Commissioners appointed to revise the Statute Laws and Codes of Practice.

Said address reads as follows, viz:

To the Senate and House of Representatives of the Commonwealth of Kentucky:

GENTLEMEN: In presenting a partial report of the results of our conjoint labors as Commissioners "to Revise, Digest, and Compile the Statute Laws of the State," we have thought it not improper to accompany the same with some explanatory observations. We have never supposed that we were possessed of qualifications which perfectly fitted us for the task imposed by the commission under which we have acted, and our distrust has not diminished as our labors progressed, and the obstacles to be overcome continued to multiply. We, however, brought to the discharge of this duty a determination, that, if by unremitting assiduity, perseverance and labor, aided by such intelligence and legal learning as we did possess, a result satisfactory to the Legislature and the public could be attained, we would achieve it. We trust that it will be found that we have done so, and feeling that the best has been done which we could accomplish in the period limited to us, we beg leave respectfully to submit our work.

There are some errors in the work, and some emendations necessary, which we have detected, but discovered too late for correction at the press; but which we propose to point out in the form of "Explanatory Notes."

In the commencement of our labors we adopted certain rules for our governance to which we have inflexibly adhered, prominent among which may be mentioned these: we determined not to disturb any law, which, by the length of time it had remained upon the statute books unaltered, furnished evidence that it was acceptable to the people; never to interfere with any act, or principle of legislation, which had undergone judicial construction and interpretation, whereby the same was understood by the community, and might be presumed to have become a rule of conduct or of property.

In a number of instances we have felt constrained to alter the phraseology of an enactment; but have been cautious to preserve the sense, our object having been to present the legislative will in language more simple, perspicuous, and intelligible. We have endeavored to meet the wishes of the Legislature in this compilation by omitting all "statutes which have become obsolete, or have been repealed," by "embodying in one chapter all laws upon one general subject, and reconciling, as far as possible, all such as were contradictory or repugnant."

We have also, to some extent, availed ourselves of the license given in the act creating the commission, "to make such modifications and changes in the laws as, in our judgment, would be for the public interest." In this respect, however, we have felt the delicacy of the task, and have acted with great caution, inserting such new provisions only after mature consideration and advice, and counsel with gentlemen eminent in the profession, of recognized soundness of judgment, and practical knowledge of our system of jurisprudence. We trust the Legislature will, in considering these amendments, approve our action as just and proper.

Impressed with a lively sense of the great responsibility of the duty assigned us, we have, at all times, sought the assistance of the ablest gentlemen of the profession in different portions of the State, and we, with pleasure, acknowledge the valuable aid we have derived from this source. We have been much gratified at the uniform cheerfulness manifested by the members of the bar in giving us the benefit of their experience and legal learning.

We have remained in Frankfort, during all the time in which we have been employed on this compilation, and although it was at the

sacrifice of domestic comforts, and to some considerable extent of our private business, we have become thoroughly satisfied that in so doing we have acted judiciously. By being at the Seat of Government greater facilities were at hand of access to the statute laws of other States, with which a comparison was desirable, as also we had the advantage of personal interview with legal gentleman throughout the State, coming here to attend to private business, from whose suggestions and criticisms on our work we have derived great benefit. But while we acknowledge our obligations to the profession in different parts of the State for essential aid in this revision, we desire in an especial manner to express our gratitude to His Excellency, Governor Leslie, to each of the Judges of the Court of Appeals, and to the Attorney General, for the invaluable assistance we have derived from their suggestions and counsel. The uniform urbanity of those gentlemen, and the readiness with which they have listened and replied, upon all doubtful and troublesome questions, has laid us under obligations, not to be forgotten during life. From the State officers, residing at Frankfort, we have been furnished with all the information asked at their hands; and the promptitude and skill with which all the printing required has been executed by the Public Printer has greatly facilitated the progress of the work.

We have determined to style this collection of the laws "The General Statutes of Kentucky." It will, of course, be necessary that the book shall have some particular title, by which it is to be designated, when cited or referred to, and one which will distinguish it from "The Statute Laws," by Morehead & Brown, and by Mr. Loughborough, as also "The Revised Statutes," by Messrs. Nicholas, Wickliffe & Turner. We have been unable to select one more appropriate than "The General Statutes of Kentucky." We, however, have no particular preference for this, rather than any other title, which may suit the Legislature better. It will be found that several chapters, on some of the most important subjects, are not among the sheets which will be first laid upon the members' tables. This results from the want of time to perfect those subjects, and present them in a shape acceptable to ourselves; we are, however, engaged in completing them, and they will be furnished, before the commitee to whom, we presume, the revision will be referred, shall have completed the consideration of those we now beg leave to report, a list of which is appended to this report.

We would also remark that we found ourselves under the necessity of postponing a portion of the duties assigned us under the act. We

were required to make such reference to the decisions of the Court of Appeals as we might deem necessary. We could not discharge this duty, and complete the work for the action of the General Assembly at this session, it requiring all our time to get it up in "Bill form;' and further, we were uncertain what portion of the compilation would be approved or rejected; and we did not think it prudent to do any part of that work whilst this uncertainty existed. We would also suggest that we have, in the course of our labors, been repeatedly reminded of the inconvenience, and subjected to delay, in our researches *into* the statute laws for the want of an exhaustive, full, and perfect index. We trust that the Legislature will provide against the recurrence of this inconvenience, if they should adopt our compilation, and provide for its publication.

Sincerely trusting that the result of our arduous service in compiling these sheets may prove satisfactory to the Legislature, of essential service as a means of information to the public, and a compendium of the statute laws of the State useful to the officers and profession in this Commonwealth, we leave them at your disposal.

Respectfully,

E. I. BULLOCK,
J. M. NESBITT,
G. W. CRADDOCK, *Umpire.*

List of Chapters Reported.

ACTIONS IN CERTAIN CASES ALLOWED.
ADVERTISEMENTS.
ARBITRATION AND AWARDS.
ASYLUM FOR THE TUITION OF THE DEAF AND DUMB.
ATTORNEY GENERAL.
ATTORNEYS.
AUDITOR.
BASTARDY.
BOUNDARY.
CATTLE, HORSES, AND DOGS.
CAUSES OF ACTION WHICH SURVIVE.
CHAMPERTY AND MAINTENANCE.
CHANGE OF VENUE.
CHARITABLE AND RELIGIOUS SOCIETIES.
CITIZENS, EXPATRIATION, AND ALIENS.

CLAIMS UPON THE TREASURY.
CLERKS.
COMMISSIONERS OF FOREIGN DEEDS.
CONFESSION OF JUDGMENT.
CONSTABLES.
CONSTRUCTION OF STATUTES.
CONTRACTS.
CONTRIBUTION.
CONVEYANCES.
CORONERS.
COSTS.
COUNTY LEVY.
COURTS.
CRIMES AND PUNISHMENTS.
CURRENCY.
DESCENT, DISTRIBUTION, EXEMPT PROPERTY, AND ADOPTION.
DUELING.
ELECTIONS.
ELISOR.
ESCAPES.
ESCHEATS AND ESCHEATORS.
EVIDENCE.
EXECUTIONS.
EXECUTORS AND ADMINISTRATORS.
FEEBLE-MINDED CHILDREN.
FERRIES.
FORCIBLE ENTRY AND DETAINER.
FOREIGN CORPORATIONS.
FRAUDULENT CONVEYANCES AND DEVISES.
FUGITIVES FROM JUSTICE.
GAME AND SMALL BIRDS.
GAMING.
GUARDIAN AND WARD.
GUARDS, PUBLIC.
HABEAS CORPUS.
HEIRS AND DEVISEES.
HOLIDAYS.
HUSBAND AND WIFE.
IDIOTS AND LUNATICS.

IMPEACHMENT.
INCLOSURES AND CERTAIN TRESPASSES.
INCORPORATED COMPANIES.
INJURIES TO PERSON OR PROPERTY.
INSOLVENT DEBTORS.
INSPECTION.
INTEREST AND USURY.
JAILERS.
JAILS AND JAILERS.
JURIES, GRAND AND PETIT.
LANDLORD AND TENANT.
LANDS.
LANDS, PROCESSIONING OF.
LANDS WEST OF THE TENNESSEE RIVER.
LAWS.
LEGISLATURE.
LIENS IN FAVOR OF MECHANICS, LABORERS, AND MATERIAL MEN.
LIMITATION OF ACTIONS.
LUNATIC ASYLUMS.
MASTER COMMISSIONER, RECEIVERS, AND OTHER COMMISSIONERS IN EQUITY.
MILLS.
NAMES MAY BE CHANGED.
NOTARY PUBLIC.
OCCUPYING CLAIMANTS.
OFFICE AND OFFICER.
PARTNERSHIPS.
PATROLS.
PEDDLERS.
PENITENTIARY.
POOR AND POOR-HOUSES.
PORT-WARDENS.
PUBLIC ADMINISTRATOR AND GUARDIAN.
PUBLIC ARMS AND ACCOUTREMENTS.
PUBLIC BINDER.
PUBLIC BUILDINGS, STATE AND COUNTY.
PUBLIC PRINTER.
REGISTER.

ROADS AND PASSWAYS.
SALARIES.
SALT AND SALTPETRE WORKS AND WATER PIPES.
SECRETARY OF STATE.
SERGEANT.
SHERIFFS.
SMALL-POX.
SURETIES.
SURVEYORS.
TAVERNS, TIPPLING-HOUSES, &c.
TOWNS.
TREASURER.
TURNPIKE AND PLANK ROADS.
VAGRANTS.
WEIGHTS AND MEASURES.
WILLS.

Mr. Hale moved that one hundred copies of said report be printed.

On motion,

Ordered, That the further consideration of said motion be postponed until to-morrow.

Mr. Prichard moved the following resolution, viz:

Resolved, That the Public Printer be requested to furnish the Senate with the number of the copies of the Revised Statutes which have been printed, and what number there is now on hand for distribution, and that he report the facts to the Senate on to-morrow at 10 o'clock, A. M.

Which was adopted.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Religion and Morals—

1. A bill to repeal a portion of the 7th section of an act, entitled "An act to incorporate the Public Library of Kentucky," which became a law on the 16th day of March, 1871.

By Mr. Gilbert, from the Committee on Courts of Justice—

2. A bill to secure the claims of persons furnishing labor or materials in the construction or repairs of railroads, turnpike, and gravel roads.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was made the special order of the day for the 20th inst., and the 2d was ordered to be printed and placed in the orders of the day.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, January 10, 1873.

Gentlemen of the Senate:

I nominate for your advice and consent Hon. George W. Craddock for the office of Secretary of State, in place of Hon. A. J. James, who has resigned. P. H. LESLIE.

Resolved, That the Senate advise and consent to said appointment.

Mr. McAfee moved the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the death of the Hon. Jas. A. McCampbell, be referred to a select committee, whose duty it shall be to report suitable resolutions expressive of the feelings of this body on account of this sad event.

Which was adopted.

Whereupon Messrs. McAfee, Sneed, and McManama were appointed said committee.

On motion, indefinite leave of absence was granted Messrs. Martin and Wrightson.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—

1. A bill in relation to the Louisville Daily Ledger and the Louisville Weekly Ledger, newspapers published in the city of Louisville.

On motion of Mr. Hale—

2. A bill to incorporate the Cairo and Tennessee River Railroad Company.

On motion of Mr. Holt—

3. A bill for the benefit of the jailer of Calloway county.

On motion of Mr. Hargis—

4. A bill for the benefit of John DeHart, of Elliott county.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st; the Committee on Railroads the 2d; the Committee on Courts of Justice the 3d, and the Committee on Claims the 4th.

And then the Senate adjourned.

SATURDAY, JANUARY 11, 1873.

In the absence of the Lieutenant-Governor and Speaker of the Senate, Hon. Wm. Johnson was chosen Speaker *pro tem.*

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act to incorporate and aid the Union Literary Society of the Agricultural and Mechanical College of Kentucky.

That they had passed bills and adopted a resolution of the following titles, viz:

An act in relation to stationery.

An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in Barren county.

Resolution in relation to the title of the public property at Frankfort, and the propriety of removing the seat of government from said city.

The Speaker laid before the Senate the response of the Public Printer to an inquiry made on yesterday in relation to the printing of the report of the Commissioners appointed to revise the Statute Laws of this State.

Which response reads as follows, viz:

FRANKFORT, KY., January 11th, 1873.

HON. JNO. G. CARLISLE, *Speaker of the Senate:*

DEAR SIR: In reply to the inquiry made in the Senate yesterday as to the number of copies of the report of the Commissioners to revise and codify the laws, I have the honor to state that there have been printed three hundred copies. Of this number the revisors have received from one hundred to one hundred and fifty copies for distribution among the legal profession during the progress of their work, reserving enough to lay upon the tables of the members of both Houses.

Very respectfully,

S. I. M. MAJOR, *Public Printer.*

The Senate, according to order, took up for consideration the motion made by Mr. Hale on yesterday in relation to the printing of the report of the Commissioners appointed to revise the Statute Laws, &c.

Which motion was as follows: That the Public Printer furnish the Senate with one hundred printed copies of the report of the Commissioners appointed to revise the Statute Laws for the use of the Senate and revisors.

And the question being taken on the adoption of said motion, it was decided in the affirmative.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, January 11, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

E. D. Kennedy, Jefferson county.
Henry Chas. Rankin, Jefferson county.
Wm. Mix, Jefferson county.
James M. Fulton, Jefferson county.
George E. Cook, Jefferson county.
N. R. Wilson, Jefferson county.
Emmit Field, Jefferson county.
William Clark, Jefferson county.
William Reinck, Jefferson county.
Bryan H. Allen, Jefferson county.
John Coleman, jr., Jefferson county.
George H. Breed, Jefferson county.
Edmund Ropp, Jefferson county.
Charles Warren, Jefferson county.
Lewis Buckner, Jefferson county.
H. H. Munroe, Jefferson county.
Fred. Frisch, Jefferson county.
Charles H. Butler, Jefferson county.
Claudius Duvall, Jefferson county.
Bennett H. Young, Jefferson county.
Randolph H. Blain, Jefferson county.
Jo. B. Read, Jefferson county.
Nicholas Corcoran, Kenton county.
J. W. Hampton, Kenton county.
Bernard Dowling, Campbell county.
E. L. Taulman, Trimble county.
J. A. Mitchell, Warren county.
W. P. Payne, Warren county.
John C. Brent, Bourbon county.
Jeremiah Davidson, Greenup county.
H. R. Little, Christian county.
Jas. G. Carter, Rockcastle county.
John T. Hundly, Henderson county.

Albert Crutcher, Barren county,
E. Logan, Fleming county.
John M. Polk, Hardin county.
O. Coburn, Carroll county.
W. A. Colter, Campbell county.
James M. Paris, Montgomery county.
Lucien Lake, McCracken county.
J. Cap. Morton, Logan county.
J. B. Briggs, Logan county.
H. W. Walters, Logan county.
T. A. Frazer, Logan county.
Geo. H. Fearons, Campbell county.
Oliver H. Root, Campbell county.
John L. Ducker, Campbell county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The Speaker laid before the Senate the report of the Quarter-Master General.

[*For Report—see Legislative Document No.* 8.]

On motion,

Ordered, That the Public Printer be directed to print the usual number of copies of said report.

The Speaker also laid before the Senate the report of the Superintendent of the Deaf and Dumb Asylum at Danville.

[*For Report—see Legislative Document No.* 5.]

On motion,

Ordered, That the Public Printer print the usual number of copies for the use of the Superintendent and the General Assembly, and that said report be referred to the Committee on Charitable Institutions.

Mr. Hargis read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners on the Revised Statutes, who have made a partial report, remain at Frankfort and continue and complete their labor during the present session of the General Assembly, and furnish to the joint committee on the report of the revision of the Statutes such information as they are in possession of in regard to their report when required to do so by said committee, and their per diem allowance shall *be* the same as in the act authorizing their appointment.

Mr. Prichard then moved to amend said resolution as follows, viz:

Strike out all that portion of the resolution after the word "be," in the eighth line (printed in italic), and insert the following: "five dollars per day during the time they may be engaged during the present session of the Legislature."

On motion,

Ordered, That said resolution and proposed amendment be referred to a select committee.

Whereupon Messrs. Hargis, Prichard, Holt, Sneed, and Pope were appointed said committee.

The Senate took up for consideration bills which originated in the House of Representatives of the following titles, viz:

1. An act in relation to stationery.

2. An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in Barren county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was referred to the Committee on Religion and Morals, and the 1st was ordered to be read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the act, entitled "An act in relation to stationery furnished the members of the General Assembly," approved March 16th, 1869, be, and the same is hereby, applied to the present adjourned session of the General Assembly; and that each member of the General Assembly, including the Lieutenant Governor, shall, for this adjourned session, be allowed and receive the amount in said act provided for, in lieu of stationery heretofore furnished members of the General Assembly; and that five dollars additional shall be allowed under this act to each chairman of the several committees of the two Houses; all to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	H. S. Hale,	K. F. Prichard,
R. A. Burton,	Thomas F. Hargis,	W. H. Sneed,
G. W. Connor,	J. B. Haydon,	A. G. Talbott,
F. W. Darby,	G. A. C. Holt,	W. L. Vories,
J. H. Dorman,	William Johnson,	Ben. J. Webb,
W. W. Frazer,	O. D. McManama,	Emery Whitaker—20.
Jesse C. Gilbert,	Alfred T. Pope,	

In the negative, Edwin Hawes—1.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a resolution, which originated in the House of Representatives, entitled

Resolution in relation to the title of the public property at Frankfort, and the propriety of removing the seat of government from said city.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of three from the House of Representatives and two from the Senate, be appointed by the respective Speakers, to investigate the title by which the Commonwealth holds the real estate in the city of Frankfort on which the public buildings have been erected, and what conditions, if any, are contained in the deeds to the State; and to inquire and report as to the propriety and expediency of a removal of the seat of government of the State; and make report to the General Assembly at as early a day as practicable.

On motion,

Ordered, That said resolution be referred to a select committee.

Whereupon Messrs. Sneed and McManama were appointed said committee.

On motion, indefinite leave of absence was granted to Mr. Clay.

Leave was given to bring in the following bills, viz:

On motion of Mr. Hawes—

1. A bill to make the revenue taxes uniform throughout the State.

On motion of Mr. Sneed—

2. A bill to prohibit the sale of spirituous, vinous, or malt liquors in quantities of less than one gallon in the town of Bell Point, in Franklin county.

On motion of Mr. McManama—

3. A bill for the benefit of the common school districts in Grant county.

On motion of same—

4. A bill to prevent the manufacturing and sale of spirituous, vinous, and malt liquors in the State of Kentucky.

On motion of Mr. Darby—

5. A bill for the benefit of M. A. Pickering, late sheriff of Caldwell county, and his deputies.

On motion of Mr. Gilbert—

6. A bill for the benefit of A. J. Starks, assessor of Marshall county.

On motion of Mr. Pope—

7. A bill to amend an act, entitled "An act to require the clerk of

the Louisville chancery court to make a cross-index to suits in said court, and continue the same."

Ordered, That the Committee on Finance prepare and bring in the 1st and 6th; the Committee on Religion and Morals the 2d and 4th; the Committee on Education the 3d; the Committee on Courts of Justice the 5th, and the Committee on the Judiciary the 7th.

Mr. Gilbert, from the Committee on Courts of Justice, reported a bill, entitled

A bill to incorporate the town of Dulaney, in Caldwell county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Prichard, from the Committee on the Judiciary, reported a bill, entitled

A bill in relation to the Louisville Daily Ledger and the Louisville Weekly Ledger, newspapers published in the city of Louisville.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, JANUARY 13, 1873.

The Senate, according to adjournment, convened, Mr. William Johnson in the Chair.

Mr. John W. Johnson appeared and took his seat.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to re-enact an act, entitled "An act to amend an act to incorporate the Bank of Union County."

2. An act to legalize and amend an act, entitled "An act to authorize the county court of Warren county to levy a tax and issue bonds for bridge purposes," approved December 20th, 1871.

3. An act for the benefit of the town of Franklin.

4. An act to amend the charter of the city of Dayton.

Which bills were taken up, severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the Committee on Banks and Insurance; the 2d to the Committee on Courts of Justice; the 3d to the Committee on the Judiciary, and the 4th was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Connor moved the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the death of the Hon. Garrett Davis, be referred to a select committee of three, whose duty it shall be to make a suitable report thereon.

Which was adopted.

Whereupon Messrs. Connor, Webb, and Whitaker were appointed said committee.

Mr. Darby read and laid on the table a joint resolution.

The rule of the Senate being suspended, said resolution was taken up and read as follows, viz:

WHEREAS, A vacancy exists in the representation of the State of Kentucky in the Senate of the United States, which has been tem-

porarily filled by the appointment by the Governor of the Hon. W. B. Machen; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That on Tuesday, the 21st day of January, 1873, at 12 o'clock, meridian, the Senate and House of Representatives of this General Assembly will, in their respective chambers, proceed to elect, as prescribed by law, a Senator in the Congress of the United States from the State of Kentucky, to fill the said vacancy in that office, occasioned by the death of the Hon. Garrett Davis.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

Mr. Barlow, from the Committee on Claims, reported a bill, entitled

A bill for the benefit of John DeHart, of Elliott county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration bills, which originated in the House of Representatives, of the following titles, viz:

1. An act for the benefit of schools in New Castle, Henry county.

2. An act to authorize the county court of Grant, and other counties, to submit a vote of tax to provide the right of way for railroads.

Ordered, That the 1st be made the special order of the day for February 10th, and the 2d be made the special order of the day for Tuesday, the 21st inst.

Leave was given to bring in the following bills, viz:

On motion of Mr. Talbott—

1. A bill for the benefit of the Central Kentucky Inebriate Asylum.

On motion of same—

2. A bill for the benefit of the Western Lunatic Asylum.

On motion of Mr. Whitaker—

3. A bill to regulate the making, storing, and transportation of explosive substances.

On motion of Mr. Gilbert—

4. A bill establishing a uniform weight of lime.

On motion of same—

5. A bill to regulate the duties and liabilities of common carriers.

On motion of Mr. Dorman—

6. A bill to amend the charter of the Owenton and Ross Mill Turnpike Road Company.

Ordered, That the Committee on Charitable Institutions prepare and bring in the 1st and 2d; the Committee on Propositions and Grievances the 3d; the Committee on Agriculture and Manufactures the 4th; the Committee on Internal Improvement the 6th, and a select committee, consisting of Messrs. Gilbert, Whitaker, Prichard, Hale, and McManama, the 5th.

At 11 o'clock, A. M., Mr. Prichard moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Whitaker and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

J. H. Dorman,	G. A. C. Holt,	W. H. Sneed,
W. W. Frazer,	John W. Johnson,	W. L. Vories,
Jesse C. Gilbert,	William Johnson,	Ben. J. Webb—11.
Edwin Hawes,	K. F. Prichard,	

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	J. B. Haydon,
R. A. Burton,	H. S. Hale,	A. G. Talbott,
G. W. Connor,	Thomas F. Hargis,	Emery Whitaker—9.

And then the Senate adjourned.

TUESDAY, JANUARY 14, 1873.

Mr. Wm. Johnson in the Chair.

Mr. Haggard appeared and took his seat.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of the blind children and youth of the State of Kentucky.

An act relating to the grounds of the charitable institutions of this Commonwealth.

That they had concurred in the amendment proposed by the Senate to a resolution, which originated in the House of Representatives, entitled

Resolution providing for the selection of a joint committee, to whom shall be referred the report of the Commissioners to revise and codify the Statutes.

That they had passed bills and adopted a resolution of the following titles, viz:

1. An act to establish the St. Louis Cemetery Company, of Henderson.

2. An act for the benefit of Wilson Morgan, former sheriff of Clay county, and his sureties.

3. Resolution providing for the election of a United States Senator, to fill the vacancy occasioned by the death of Hon. Garrett Davis.

Which bills and resolution were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills and resolution being dispensed with, they were referred—the 1st to the Committee on Charitable Institutions; the 2d to the Committee on Finance, and the 3d was placed in the orders of the day.

The following petitions were presented, viz:

By Mr. Hargis—

1. The petition of sundry citizens of Carter county, praying to be attached to the county of Rowan.

By Mr. Barlow—

2. The petition of sundry citizens of Cave City, praying the passage of an act prohibiting the sale of intoxicating liquors in said town.

Which petitions were received, the reading dispensed with, and referred—the 1st to the Committee on Propositions and Grievances, and the 2d to the Committee on Religion and Morals.

Mr. Hargis, from a select committee, to whom was referred a resolution, which originated in the Senate, entitled

Resolution in relation to the Commissioners on the Revised Statutes,

Reported the same, with an amendment as a substitute therefor.

The original resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners on the Revised Statutes, who have made a partial report, remain at Frankfort and continue and complete their labor during the present session of the General Assembly, and furnish to the joint committee on the report on the revision of the Statutes such information as they are in possession of in regard to their report, when required so to do by said committee; and their per diem allowance shall be the same as provided for in the act authorizing their appointment.

The amendment proposed by the committee reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners on the Revised Statutes, who have made a partial report, remain at Frankfort and continue and complete their labor on or before the 24th day of February, 1873, and furnish to the joint committee on the report on the revision of the Statutes such information as they are in possession of in regard to their report, when required so to do by said committee; and their per diem allowance shall be five dollars per day during the time said Commissioners shall be engaged as above directed.

An amendment proposed by Mr. Hale was then read for information, which is as follows, viz:

WHEREAS, It appears from the report of the Commissioners to revise, digest, and compile the Statute Laws of Kentucky, that the work of said revision is incomplete; and whereas, it appears that the time allotted them, the said Commissioners, to do the work assigned them in the act appointing them, was insufficient to do said work; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the said Commissioners have the further time of sixty days in which to complete said work, and that they be allowed the same per diem contemplated in the act appointing them.

Resolved, further, That any action upon the part of this General Assembly upon the work of said Commissioners be deferred till the next regular session of the General Assembly.

Pending the consideration of which, on motion, said resolution and proposed amendments were recommitted to the committee reporting thereon.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, January 14, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

Henry Knoefel, Jefferson county.
Samuel Geisler, Campbell county.
J. B. Goodpaster, Bath county.
John B. Stevens, Bourbon county.
J. T. Page, Adair county.
Samuel Landrum, Fulton county.
William Addams, Harrison county.
R. K. Hoeflech, Mason county.
John Barbour, Mason county.
M. T. Bradley, Scott county.
W. W. Pierson, Union county.
Joseph A. Donaldson, Carroll county.
Wm. P. Arnold, Todd county.
James H. Buner, Jefferson county.
John Taylor, Campbell county.
John W. Carpenter, Boone county.
W. W. Bush, Simpson county.
J. W. Gillespie, Woodford county.
J. L. Stevens, Kenton county.
J. J. Hensley, Anderson county.
W. G. Ferrill, Kenton county.
Charles H. Gibson, Jefferson county.
D. W. Armstrong, Jefferson county.
Walter C. Whitaker, Jefferson county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Prichard, from a select committee—

1. A bill to incorporate the Chattaroi Railway Company.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

2. A bill to establish the Superior Court.

By Mr. Standiford, from the Committee on Internal Improvement—

3. A bill to amend an act, entitled "An act to amend the charter of the Owenton and Ross Mill Turnpike Road Company."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was ordered to be printed, and made the special order of the day for Tuesday, the 21st inst., and the 1st and 3d were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hargis, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend the city charter of Lexington,

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the mayor and council of the city of Lexington shall be, and are hereby, authorized to lay off each of the four wards of said city into three districts, each containing as nearly as shall be convenient an equal number of the qualified and legal voters of the city, and establish, from time to time, a voting place in each district.

§ 2. That each district so established shall elect one councilman by the qualified voters, who shall have resided therein for sixty days preceding the election, and possessing all other qualifications now required by law.

§ 3. That the mayor and council shall have no power to increase the debt now due by the city of Lexington, nor apply the income of the city, whether derived from taxes, rents, or other sources, to any other object than as prescribed by the charter; and it shall be their duty to confine the expenses of the city government to its income; and any excess thereof shall not be a liability of the city, but upon the mayor and councilmen creating such excess: *Provided, however*, That the subscription of stock in the Elizabethtown, Lexington, and Big Sandy Railroad Company is not included as one of the city debts referred to in this section.

§ 4. This act shall be in force from and after its passage.

Mr. Hawes moved that said bill be printed, and made the special order of the day for the 22d inst.

And the question being taken thereon, it was decided in the negative.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sneed and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	O. D. McManama,
R. A. Burton,	H. S. Hale,	Alfred T. Pope,
G. W. Connor,	Thomas F. Hargis,	K. F. Prichard,
F. W. Darby,	J. B. Haydon,	E. D. Standiford,
J. H. Dorman,	G. A. C. Holt,	A. G. Talbott,
W. McKee Fox,	John W. Johnson,	W. L. Vories,
W. W. Frazer,	William Johnson,	Emery Whitaker—23.
Jesse C. Gilbert,	A. L. McAfee,	

Those who voted in the negative, were—

Robert Boyd,	Edwin Hawes,	W. H. Sneed—3.

Resolved, That the title of said bill be as aforesaid.

Mr. Hargis, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of the town of Franklin,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to secure the claims of persons furnishing labor or materials in the construction or repairs of railroads, turnpike, and gravel roads.

Various amendments were proposed to said bill; pending the consideration of which, on motion, said bill and proposed amendments were recommitted to the Committee on Courts of Justice.

On motion of Mr. McManama, the Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to authorize the county of Grant to submit a vote of tax to provide the right of way for railroads.

Said bill had been made a special order for Tuesday next.

The question was then taken on ordering said bill to be read a third time, and it was decided in the negative.

So said bill was disagreed to.

Mr. Connor, from the Committee on Enrollments, reported that the committee had examined an enrolled bill and a resolution, which originated in the Senate, of the following titles, viz:

An act to incorporate and aid the Union Literary Society of the Agricultural and Mechanical College of Kentucky;

Resolution directing the firing of a national salute at 12 o'clock, M., January 8th, 1873;

And enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

An act in relation to stationery;

An act to amend the charter of the city of Dayton;

Resolution providing for the selection of a joint committee to whom shall be referred the report of the Commissioners to revise and codify the Statutes;

Resolution in relation to the title of the public property at Frankfort, and the propriety of removing the seat of government from said city;

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Connor reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Hawes—

1. A bill to repeal the charters of all the tobacco warehouses of the city of Louisville that have declined to work under their respective charters.

On motion of Mr. Standiford—

2. A bill to provide means for the establishment of a system of public education for the colored children of this Commonwealth.

On motion of same—

3. A bill to establish the weight of potatoes in this Commonwealth.

On motion of Mr. Hargis—

4. A bill for the benefit of R. G. Scott, late common school commissioner of Rowan county.

On motion of Mr. Prichard—

5. A bill to provide a mechanics' lien law for the county of Boyd.

On motion of Mr. Fox—

6. A bill for the improvement of Smith's Shoals, in Pulaski county.

On motion of Mr. McManama—

7. A bill for the benefit of Charles Teitz, of Bracken county.

On motion of Mr. Haggard—

8. A bill to further protect the interest of landlord and tenant.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st, 5th, and 8th; the Committee on Education the 2d and 4th; the Committee on Agriculture and Manufactures the 3d; the Committee on Internal Improvement the 6th, and a select committee, consisting of Messrs. Fox, Pope, and Barlow, the 7th.

And then the Senate adjourned.

WEDNESDAY, JANUARY 15, 1873.

The Senate convened, Hon. Wm. Johnson in the Chair.

Messrs. Gatewood and Chelf appeared and took their seats.

Mr. Hargis presented the petition of sundry citizens of Rowan county, praying the passage of an act prohibiting the dragging of seines between certain points on the Licking river.

Which was received, the reading dispensed with, and referred to the Committee on Internal Improvement.

Mr. Hargis, from a select committee, to whom had been referred the resolution in relation to the Commissioners on the Revised Statutes, together with sundry amendments which had been proposed,

reported the same, with an amendment as a substitute for the original resolution and proposed amendments.

Which amendment reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners on the Revised Statutes, who have made a partial report, remain at Frankfort and continue and complete the revision on or before the 15th day of February, 1873, and furnish to the joint committee on the Revision of the Statutes such information as they are in possession of in regard to their report, when required so to do by said committee.

The Senate took up for consideration the resolution, which originated in the House of Representatives, entitled

Resolution providing for the election of a United States Senator to fill the vacancy occasioned by the death of Hon. Garrett Davis.

Which was twice read and concurred in.

Mr. Whitaker moved the following resolution, viz:

Resolved, That a committee of three be appointed by the Speaker, whose duty it shall be to confer with the revisors of the Code of Practice, and ascertain when they will be ready to make their report.

Mr. Hargis moved to amend said resolution as follows: add to the resolution the following: "and why they have not reported what progress they have made."

Which amendment was adopted.

The question was then taken on the adoption of the resolution, as amended, and it was decided in the affirmative.

Whereupon Messrs. Whitaker, Hargis, and Chelf were appointed said committee.

Mr. Prichard moved the following resolution, viz:

Resolved, That the three Commissioners upon the revision of the Statutes furnish the Senate with a statement of the time and number of days served by them, or either of them, as revisors, together with the amount of money received by them, or either of them, from the State for such services.

Which was adopted.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to establish the St. Louis Cemetery, of Henderson.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in Barren county.

With sundry amendments to the last named bill.

Which were concurred in.

Ordered, That said bills, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Frazer, from the Committee on Education—

A bill to charter the Owenton High School.

By Mr. Hale, from the Committee on Finance—

A bill for the benefit of Joseph Robinson, late sheriff of Franklin county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the Senate the reports of the Superintendents of the Eastern Lunatic Asylum, also that of the Western Lunatic Asylum, also that of the Juvenile Delinquents and House of Reform, and also that of the Blind Asylum.

Ordered, That the Public Printer print the usual number of copies of each of the aforesaid Institutions, and that a copy thereof be referred to the Committee on Charitable Institutions.

Leave was given to bring in the following bills, viz:

On motion of Mr. Talbott—

1. A bill for the benefit of the Asylum for the Education of the Blind, at Louisville.

On motion of Mr. McManama—

2. A bill for the benefit of the German Lutheran Church, of Falmouth, Kentucky.

On motion of Mr. Pope—

3. A bill in regard to the arrest of felons by regular policemen.

Ordered, That the Committee on Charitable Institutions prepare and bring in the 1st; the Committee on Library and Public Buildings and Offices the 2d, and the Committee on the Judiciary the 3d.

Mr. McAfee, from a select committee, made the following report, viz:

WHEREAS, It has been announced to this General Assembly, by His Excellency the Governor, that on the 25th day of December, 1872, the Hon. James A. McCampbell, a member of the House of Representatives from the county of Jessamine, departed this life; through respect to his memory and many virtues, be it

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That it is with deep sorrow and regret that we, the members of this General Assembly, have received the announcement of the death of the Hon. Jas. A. McCampbell, an event which carries sorrow to his many friends, and deprives the State of a useful and honorable public servant.

2. *Resolved*, That to the afflicted family of the deceased we hereby tender our deepest sympathies.

3. *Resolved*, That, as a further mark of respect to the memory of the deceased, we will wear the usual badge of mourning for a period of thirty days.

4. *Resolved*, That these resolutions be spread upon the Journal, and that a copy of the same be forwarded to the family of the deceased by the Speaker of the Senate.

5. *Resolved*, That on the adoption of these resolutions the Senate be then adjourned.

Which report was unanimously adopted.

And then the Senate adjourned.

THURSDAY, JANUARY 16, 1873.

Hon. Wm. Johnson in the Chair.

Messrs. Campbell, Conklin, and Clay appeared and took their seats.

A message was received from the House of Representatives, announcing that they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of John W. Green, late sheriff of Owen county.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of William Adams & Son, of Magoffin county.

An act for the benefit of A. Q. Baker, late sheriff of Boone county.

That they had passed bills and adopted resolutions of the following titles, viz:

1. An act to amend the charter of the Louisville, Cincinnati, and Lexington Railroad Company.

2. An act to tax pawnbrokers.

3. An act for the benefit of John Ellis, of Barren county.

4. Resolution providing for printing and distributing report of Commissioners to revise and codify the Statutes.

5. Resolutions of respect to the Hon. James A. McCampbell, late member of the House of Representatives of Kentucky Legislature.

Which bills and resolutions were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills and resolutions being dispensed with, the 1st was referred to the Committee on Railroads; the 2d to the Committee on Finance; the 3d to the Committee on Religion and Morals; the 4th was made the special order of the day for Monday, the 20th inst., and the 5th was placed in the orders of the day.

The following petitions were presented, viz:

By Mr. Conklin—

1. The petition of Marshall Morris, praying the passage of an act allowing him compensation for the keeping of a lunatic, Jasper Morris, of Grayson county.

By Mr. Hargis—

2. The petition of E. B. Wilhoit, in relation to taxes paid by Jas. Osenton on United States bonds.

Which petitions were received, the reading dispensed with, and referred—the 1st to the Committee on Claims, and the 2d to the Committee on Finance.

The Speaker laid before the Senate a further report of the Commissioners on the Revised Statutes, which was referred to the joint committee to be appointed on Revised Statutes.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—

1. A bill to establish an assessor's agent for the further regulation and assessment of property in the city of Louisville, and the collection of taxes on the same.

On motion of same—

2. A bill to change the manner of collecting delinquent taxes in the county of Jefferson.

On motion of Standiford—

3. A bill to charter the Louisville College of Pharmacy.

On motion of Mr. Hargis—

4. A bill to provide for the inspection of steam boilers, and the better protection of life and property against accidents arising from steam boiler explosions.

On motion of Mr. Pope—

5. A bill for the benefit of the public schools of Louisville.

On motion of Mr. Standiford—

6. A bill to amend an act to incorporate the Cumberland and Ohio Railroad, approved February 24th, 1869.

On motion of Mr. Gatewood—

7. A bill to make certified copies of commissioners' books competent testimony in certain cases.

On motion of Mr. Gilbert—

8. A bill to amend the charter of Calvert City, in Marshall county.

On motion of Mr. Talbott—

9. A bill to incorporate the Building and Financial Company.

On motion of Mr. Barlow—

10. A bill to amend the law in relation to carrying concealed deadly weapons.

On motion of Mr. Haggard—

11. A bill for the benefit of the jailer of Cumberland county.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st, 4th, 7th, and 8th; the Committee on Finance the 2d; the Committee on Education the 3d; the Committee on Railroads the 6th and 9th; the Committee on Claims the 11th; a select committee, consisting of Messrs. Pope, Fox, and Hargis, the 5th, and a select committee, consisting of Messrs. Barlow, Campbell, Whitaker, and Holt, the 10th.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Pope, from a select committee—

1. A bill for the benefit of the public schools of Louisville.

By Mr. Standiford, from the Committee on Internal Improvement—

2. A bill partitioning the Fairfield and Samuels Depot Turnpike Road, and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company and the Samuel's Depot and Cox's Creek Turnpike Road Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 1st be printed and referred to the Committee on Education, and that the 2d be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Haggard read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of five members from the House of Representatives and three from the Senate, be appointed by the Speakers thereof, who shall visit the Penitentiary, and ascertain, if possible, the cause of the late fire therein, which resulted in the burning of the hemp and bagging apartment; also ascertain whether or not the lives of the convicts employed in the manufacture of bagging and bale rope are not greatly endangered by such employment, and report the same to the General Assembly.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

And then the Senate adjourned.

FRIDAY, JANUARY 17, 1873.

Hon. Wm. Johnson in the Chair.

A message was received from the House of Representatives, announcing that they had adopted a joint resolution, entitled

Resolution providing for the appointment of Commissioners to the National Prison Reform Congress.

Which was taken up, twice read, and concurred in.

Said resolution reads as follows, viz:

WHEREAS, The National Prison Reform Congress of the United States will meet at Baltimore, commencing its sessions on the 20th inst., for the purpose of considering all subjects connected with prison discipline and prison reforms, and also public or State charitable institutions; and whereas, the State of Kentucky, through the Executive thereof, has been invited by the National Prison Association to attend and participate in the deliberations of said body; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor of this Commonwealth be directed to appoint three citizens of Kentucky, suitable persons, as delegates to represent the State at said meeting, and the sum of one hundred dollars each is hereby appropriated to defray the expenses of said delegates who may attend; and the Auditor of Public Accounts is directed to draw his warrant on the Treasurer, who shall pay the same, upon the certificate of the Governor to the effect that said delegates have attended said Congress as herein contemplated.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	K. F. Prichard,
R. A. Burton,	W. W. Frazer,	W. H. Sneed,
W. H. Chelf,	John J. Gatewood,	E. D. Standiford,
James F. Clay,	Thomas F. Hargis,	A. G. Talbott,
Wm. L. Conklin,	G. A. C. Holt,	W. L. Vories,
G. W. Connor,	John W. Johnson,	Ben. J. Webb,
John E. Cooper,	Alfred T. Pope,	Thos. Wrightson—22.
F. W. Darby,		

Those who voted in the negative, were—

E. P. Campbell,	H. S. Hale,	William Johnson—5.
Jesse C. Gilbert,	Edwin Hawes,	

The Speaker laid before the Senate the report of the Trustees of the American Printing House for the Blind.

Ordered, That the Public Printer print the usual number of copies thereof, and that it be referred to the Committee on Charitable Institutions.

The Speaker also laid before the Senate the response of one of the Commissioners on Revised Statutes, Judge Bullock, to an inquiry made by the Senate, which is as follows, viz:

FRANKFORT, KY., January 17th, 1873.

To the Speaker of the Senate:

SIR: In response to a resolution of the Senate, adopted 15th inst., requiring information from the Commissioners "upon the revision of the Statute Laws" as to the time and number of days they, or either of them, have served as revisors, together with the amount of money received by them: responding for myself, I respectfully state that, up to and including June 10th, 1872, I had served forty-five days, and then received $450. Up to and including July 27th following, twenty-five additional days, and received $350. Up to and including 26th August, thirty-one additional days, and then received $310. On the 2d day of November I received $300, and on the 30th day of November I certified to the Auditor that I had then been actively engaged on the work of the revision one hundred and eighty days, and I then received the residue of $1,800. I have been similarly engaged since the last date, but have received nothing more.

Respectfully,

E. I. BULLOCK.

Mr. Holt, from the Committee on Courts of Justice, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to fix the fees of county attorneys," approved February 21st, 1868,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

So said bill was disagreed to.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Darby, from the Committee on Courts of Justice—

A bill for the benefit of M. A. Pickering, late sheriff of Caldwell county, and his deputy

By Mr. Gatewood from the Committee on Education—

A bill to incorporate the Louisville College of Pharmacy.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to amend an act approved March 18, 1872, entitled "An act to incorporate the Church House for Females and Infirmary for the Sick."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Standiford, from the Committee on Railroads, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend the charter of the Louisville, Cincinnati, and Lexington Railroad Company,

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Louisville, Cincinnati, and Lexington Railroad Company, for the purpose of taking up and consolidating its present bonded and floating debt, retiring its preferred stock, and completing its works and equipment, is hereby authorized and empowered to issue the bonds of the company, bearing such a rate of interest as said company shall determine, not exceeding eight per cent. per annum, payable semi-annually, and having not more than thirty years to run, to an amount not exceeding ten millions of dollars, and secure the payment of the principal and interest of said bonds by a consolidated mortgage on the property and franchises of the company, including its branches; and may sell or hypothecate such bonds, or exchange them for other bonds or preferred stock of said company, or so much thereof as may be deemed necessary, or settle the floating debt of the company therewith, in such manner and at such rates as the said company, or its board of directors, may deem best for the purposes aforesaid.

§ 2. That said company may connect its road, or any of its branches, with the railroad of any other company in this State; and may purchase or lease and operate any railroad connecting with its road or branches; and may sell or lease its road or branches, and

the property and franchises thereof, to any other railroad company in this State; and may consolidate or make running and operating arrangements with or subscribe to the stock, or guarantee the bonds of any other railroad company with which it connects or has running arrangements in this State, upon such terms as may be agreed on by the contracting parties by consent of a majority in amount of their respective stockholders; and it shall be lawful for the franchises and stock or subscriptions to stock, granted and subscribed to any other railroad company, to be assigned and transferred to the said Louisville, Cincinnati, and Lexington Railroad Company, and the like powers and privileges are hereby granted to any railroad company with which the Louisville, Cincinnati, and Lexington Railroad Company may contract to make similar arrangements with said Louisville, Cincinnati, and Lexington Railroad Company: *Provided*, That the said Louisville, Cincinnati, and Lexington Railroad Company shall be bound, within two years after the execution of said mortgage hereby authorized, upon the application of the Commissioners of the Sinking Fund of the State of Kentucky, to contract with and purchase from said Commissioners the common stock of said company now owned by the said State, at the same price and upon the same terms as those upon which the common stock was sold by said company to C. P. Huntington and others, in the year eighteen hundred and seventy-one (1871): *And provided further*, That no transfer or assignment of any subscriptions of stock by any other railroad company shall vest in said Louisville, Cincinnati, and Lexington Railroad Company any additional rights or privileges, other than such as are held by the company assigning the same at the time of such sale or assignment.

§ 3. This act shall take effect and be in force from and after its passage.

Mr. Talbott moved to postpone the further consideration of said bill until Monday, the 20th inst.

Mr. McManama moved to amend said motion by postponing the consideration of said bill until Friday, the 24th inst.

Mr. Prichard, after some discussion had thereon, moved the previous question.

And the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

The question was then taken on the amendment proposed by Mr. McManama, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. McManama and Hale, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	G. W. Connor,	G. A. C. Holt,
Robert Boyd,	D. R. Haggard,	William Johnson,
E. P. Campbell,	H. S. Hale,	O. D. McManama,

James B. Casey,	Edwin Hawes,	A. G. Talbott,
Wm. L. Conklin,	J. B. Haydon,	Emery Whitaker—15.

Those who voted in the negative, were—

R. A. Burton,	John J. Gatewood,	K. F. Prichard,
W. H. Chelf,	Jesse C. Gilbert,	W. H. Sneed,
James F. Clay,	Thomas F. Hargis,	E. D. Standiford,
John E. Cooper,	John W. Johnson,	W. L. Vories,
F. W. Darby,	A. L. McAfee,	Ben. J. Webb,
W. W. Frazer,	Alfred T. Pope,	Thos. Wrightson—18.

Mr. Talbott then withdrew his motion to postpone till the 20th.

On motion,

Ordered, That the further consideration of said bill be postponed until Wednesday next, the 22d inst.

Mr. Gilbert, from the Committee on Courts of Justice, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to legalize and amend an act, entitled "An act to authorize the county court of Warren county to levy a tax and issue bonds for bridge purposes," approved December 20th, 1871,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Whitaker, from the Committee on Courts of Justice, asked to be discharged from the further consideration of a leave to bring in a bill, entitled

A bill for the benefit of Paducah, to enforce the collection of taxes.

Which was granted.

On motion, indefinite leave of absence was granted to Mr. Dorman.

Mr. Gilbert, from the Committee on Courts of Justice, to whom had been referred a bill from the Senate, entitled

A bill to secure the claims of persons furnishing labor or materials in the construction or repairs of railroads, turnpike, and gravel roads,

Together with sundry amendments which had been proposed thereto, reported the same with an amendment as a substitute for said bill and proposed amendments.

Ordered, That said proposed amendment be printed, and made the special order of the day for Thursday next, the 23d inst.

Leave was given to bring in the following bills, viz:

On motion of Mr. Boyd—

1. A bill to incorporate the Harlan County Mining, Railroad, and Colonization Company.

On motion of same—

2. A bill to amend chapter 15, article 3, of the Revised Statutes.

On motion of Mr. Haggard—

3. A bill to aid the county of Cumberland in paying her present debt, and build a turnpike road to the county line in the direction of Glasgow, in Barren county.

On motion of same—

4. A bill to prevent fishing with drag-nets in Crocus creek, in the county of Cumberland.

On motion of same—

5. A bill to allow the erection of ferries at any point within the county of Cumberland, at such distance from the ferries now allowed as the county court may, in their discretion, determine at any regular term of said court, when there shall be a majority of the court.

On motion of same—

6. A bill to further protect the interest of wool-growers in this Commonwealth.

On motion of Mr. Clay—

7. A bill to incorporate the Strangers' Rest Lodge, No. 13, I. O. O. F., Henderson, Kentucky.

On motion of same—

8. A bill for the benefit of the stockholders of the Evansville, Henderson, and Nashville Railroad Company.

On motion of Mr. Wm. Johnson—

9. A bill changing the time of electing members of the House of Representatives of the Congress of the United States.

Ordered, That the Committee on Internal Improvement prepare and bring in the 1st and 3d; the Committee on Revised Statutes and Codes of Practice the 2d; the Committee on Propositions and Grievances the 4th and 5th; the Committee on Agriculture and Manufactures the 6th; the Committee on Charitable Institutions the 7th; the Committee on Railroads the 8th, and the Committee on the Judiciary the 9th.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of the blind children and youth of the State of Kentucky;

An act relating to the grounds of the charitable institutions of this Commonwealth;

An act for the benefit of William Adams & Son, of Magoffin county;

An act for the benefit of A. Q. Baker, late sheriff of Boone county;

And enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the town of Franklin;

An act to establish the St. Louis Cemetery, of Henderson;

Resolution providing for the election of a United States Senator to fill the vacancy occasioned by the death of Hon. Garrett Davis;

Resolution providing for the appointment of Commissioners to the National Prison Reform Congress;

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

And then the Senate adjourned.

SATURDAY, JANUARY 18, 1873.

Hon. John G. Carlisle presiding.

A message was received from the House of Representatives, announcing that they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act to allow jailers compensation for keeping pauper lunatics in the jails of this Commonwealth.

That they had concurred in the amendments proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in Barren county.

That they had concurred in the adoption of a resolution, which originated in the Senate, entitled

Resolution in relation to the Commissioners on the Revised Statutes.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners on the Revised Statutes, who have made a partial report, remain at Frankfort and continue and complete the revision on or before the 15th day of February, 1873, and furnish to the joint committee on the Revision of the Statutes such information as they are in possession of in regard to their report, when required so to do by said committee.

That they had adopted a resolution, entitled

Resolution concerning State Library.

Which resolution was placed in the orders of the day.

Mr. Martin appeared and took his seat.

Mr. Talbott presented the remonstrance of sundry citizens of Lancaster, Garrard county, remonstrating against the modification of the town charter of Lancaster as is asked for by the petitioners in said case.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Barlow, from the Committee on Claims—

A bill for the benefit of Marshal Morris, of Grayson county.

By Mr. Talbott, from the Committee on Charitable Institutions—

A bill to incorporate the Strangers' Rest Lodge, No. 13, I. O. O. F., Henderson, Kentucky.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker placed Mr. Sneed on the Committees on Railroads, Finance, Library and Public Buildings and Offices, and Penitentiary and House of Reform.

On motion of Mr. Gatewood, Mr. Sneed was added to the Committee on Education.

On motion, indefinite leave of absence was granted to Messrs. McManama and Fox.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, January 18, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

W. J. Wilson, Jefferson county.
Lyttleton Cooke, Jefferson county.
H. W. Barclay, Jefferson county.
Charles A. Graham, Jefferson county.
George D. Sherwin, Jefferson county.
Geo. W. Hardacre, Jefferson county.
William Clark, Jefferson county.
Henry S. Barker, Jefferson county.
John S. Carpenter, Jefferson county.
Wm. S. Bodley, jr., Jefferson county.
Jesse H. Reno, Muhlenburg county.
C. H. Rhodes, Boyle county.
Bernard J. Witt, Henderson county.
Hayden H. Shouse, Henderson county.
Archibald W. Overton, Franklin county.
J. W. Twyman, Christian county.
J. Allen Murray, Breckinridge county.

J. H. Bohannon, Barren county.
Samuel Gesler, Campbell county.
J. R. Sweeney, Bourbon county.
George Stall, Fayette county.
A. J. Francis, Kenton county.
Dudley Glenn, Kenton county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

A message was also received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to incorporate and aid the Union Literary Society of the Agricultural and Mechanical College of Kentucky.

An act for the benefit of William Adams & Son, of Magoffin county.

An act for the benefit of the blind children and youth of the State of Kentucky.

Resolution directing the firing of a national salute at 12 o'clock, M., January 8th, 1873.

Leave was given to bring in the following bills, viz:

On motion of Mr. Cooper—

1. A bill to incorporate Cox Lodge, No. 464, Ancient York Masons, of Wolfe county.

On motion of same—

2. A bill to require the clerk of the Wolfe circuit court to make cross-indexes to certain record-books in his office, and to provide for his compensation therefor.

On motion of same—

3. A bill to prohibit the sale of spirituous liquors in Breathitt county.

On motion of Mr. Hale—

4. A bill for the benefit of Mary Ann Pecantet's heirs, of Graves county.

On motion of Mr. Chelf—

5. A bill to amend the insurance laws of this Commonwealth.

On motion of same—

6. A bill to require the owners and managers of locks and dams in this Commonwealth to erect fish-ladders for the free passage of fish.

On motion of Mr. Hale—

7. A bill to amend an act, entitled "An act to incorporate the Bank of Mayfield," approved March 10th, 1870.

On motion of Mr. Gatewood—

8. A bill for the benefit of W. E. Duncan, late sheriff of Warren county, and his sureties.

Ordered, That the Committee on Revised Statutes and Codes of Practice prepare and bring in the 1st, 2d, and 6th; the Committee on Religion and Morals the 3d; the Committee on Finance the 4th; the Committee on Banks and Insurance the 5th and 7th, and the Committee on Propositions and Grievances the 8th.

And then the Senate adjourned.

MONDAY, JANUARY 20, 1873.

In the absence of the Speaker, Hon. Wm. Johnson was called to the Chair.

The following petitions were presented, viz:

By Mr. John W. Johnson—

1. The petition of Mr. D. T. Short, praying the passage of an act changing the dividing line between the counties of Muhlenburg and McLean.

By Mr. Cooper—

2. The petition of sundry citizens residing on Red river, praying for an appropriation of $5,000 to remove the obstructions to navigation in said river.

By same—

3. The petition of John M. Lawson, praying the passage of an act divorcing him from Martha Raney, his former wife.

Which petitions were received, the reading dispensed with, and referred—the 1st to the Committee on Propositions and Grievances; the 2d to the Committee on Internal Improvement, and the 3d to the Committee on Revised Statutes and Codes of Practice.

Leave was given to bring in the following bills, viz :

On motion of Mr. Burton—

1. A bill for the benefit of hotel-keepers in this Commonwealth.

On motion of Mr. Cooper—

2. A bill to prohibit the sale of spirituous liquors in Wolfe county.

On motion of Mr. Standiford—

3. A bill to amend the charter of the Cane Run Turnpike Road Company.

On motion of Mr. Frazer—

4. A bill for the benefit of W. E. Hughes.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st; the Committee on Religion and Morals the 2d; the Committee on Internal Improvement the 3d, and the Committee on Propositions and Grievances the 4th.

The Speaker laid before the Senate the response of Hon. G. W. Craddock, one of the Commissioners appointed to codify the Statute Laws and Codes of Practice, in pursuance of a resolution of inquiry upon that subject.

Ordered, That said response be placed in the orders of the day.

The Senate, according to order, took up for consideration a bill, entitled

A bill to repeal a portion of the 7th section of an act, entitled "An act to incorporate the Public Library of Kentucky," which became a law on the 16th day of March, 1871.

Mr. Whitaker moved an amendment to said bill as a substitute therefor.

Ordered, That said bill, together with the substitute therefor, be printed, and made the special order of the day for Thursday next, the 23d inst.

The Senate also took up for consideration the resolution, which originated in the House of Representatives, entitled

Resolution providing for printing and distributing report of Commissioners to revise and codify the Statutes.

Which was amended, twice read, and concurred in.

And then the Senate adjourned.

TUESDAY, JANUARY 21, 1873.

Hon. John G. Carlisle presiding.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of J. M. Curry, late sheriff of Pendleton county.

An act to amend the charter of the Bardstown and Green River Turnpike Road Company.

An act to amend an act, entitled "An act to amend the charter of the Owenton and Ross Mill Turnpike Road Company."

An act partitioning the Fairfield and Samuels Depot Turnpike Road, and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company and the Samuel's Depot and Cox's Creek Turnpike Road Company.

An act to incorporate the town of Dulaney, in Caldwell county.

With an amendment to the last named bill.

Which was taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to change the time of holding circuit courts in the 11th judicial district of Kentucky.

2. An act for the benefit of school district No. 5, in Garrard county.

3. An act for the benefit of J. H. Kirk, late sheriff of Marion county.

4. An act for the benefit of J. W. Furgeson, late sheriff of Calloway county.

5. An act to declare certain lakes and creeks in Ballard county navigable.

6. An act for the benefit of Lewis S. Lee, late sheriff of Ballard county.

7. An act to incorporate the Frankfort Coal and Lumber Company.

8. An act for the benefit of Misses Virginia and Lizzie Smith.

9. An act for the benefit of the town of Georgetown.

10. An act to incorporate the Winchester Building and Accumulating Fund Association, of Winchester.

11. An act to incorporate the town of Crofton, in Christian county.

12. An act to amend the charter of the St. Bernard Coal Company.

13. An act to authorize the sale of the Clark and Montgomery Turnpike Road, in Clark county.

14. An act to amend an act, entitled "An act authorizing the sale of certain alleys in the town of Winchester," approved February 19th, 1849.

15. An act to amend an act, entitled "An act to incorporate the White Stone Quarry Company."

16. An act for the benefit of the Washington County Agricultural Society.

17. An act to incorporate the Webster County Chalybeate and Sulphur Well Company.

18. An act to amend the charter of the Fox Run and Bullskin Turnpike Road Company, in Shelby county.

19. An act to incorporate the Nevada and Dixville Turnpike Road Company, in Mercer county.

20. An act to incorporate the Harrodsburg and Baton Rouge Turnpike Road Company, in Mercer county.

21. An act to amend an act, entitled "An act to incorporate Munday's Landing and Harrodsburg Turnpike Road Company, in Mercer county."

22. An act in relation to roads in Breckinridge county.

23. An act to amend an act, entitled "An act to incorporate the German Insurance Bank," approved March 14th, 1872.

24. An act to amend an act, entitled "An act to incorporate the Christian County Bank," approved March 2d, 1872.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 5th, and 6th to the Committee on Courts of Justice; the 2d to the Committee on Education; the 3d, 4th, and 8th to the Committee on Finance; the 7th, 10th, 12th, 15th, and 16th to the Committee on Agriculture and Manufactures; the 9th, 13th, 18th, 19th, 20th, 21st, and 22d to the Committee on Internal Improvement; the 11th and 17th to the Committee on Revised Statutes and Codes of Practice; the 14th to the Committee on the Judiciary, and the 23d and 24th to the Committee on Banks and Insurance.

In pursuance of a joint resolution, the Speaker, on the part of the Senate, appointed the following Senators on the committee to whom is referred the report of the Commissioners appointed to revise and codify the Statutes, viz: Messrs. McManama, Wm. Johnson, Whitaker, Pope, Holt, Chelf, and E. P. Campbell.

The Senate, according to order, took up for consideration a bill, entitled

A bill to establish the Superior Court.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established a court, to be styled the "Superior Court," which shall have appellate jurisdiction only, which shall be coextensive with the State. Said court shall have exclusive appellate jurisdiction of the judgments and final orders of all inferior courts on the appointment and removal of guardians, the settlements of the accounts of fiduciaries, the partition of land, the allotment of dower, the establishment, alteration, or discontinuance of ferries, mills and dams, roads and passways, inquisitions of forcible entry or detainer, or for appropriating private property to public use, except where otherwise directed by law; in cases of bastardy, in actions or proceedings for the recovery of money or personal property where the matter in controversy is not less than fifty dollars and does not exceed hundred dollars in value; except where the judgment or order is by the quarterly court, police court, city or mayor's court, or justices' court, and an appeal is given to the quarterly or circuit court.

§ 2. The costs are not to be included in estimating the value necessary to give jurisdiction to said court.

§ 3. An error of the appellant in having appealed to the Superior Court or Court of Appeals, shall not cause the dismissal of the appeal, but said appeal shall be transferred to the proper court.

§ 4. The Superior Court shall hold its sessions at the seat of government.

§ 5. Said court shall consist of three judges, who shall, by virtue of their offices, be conservators of the peace throughout the State. The Governor shall nominate, by and with the advice of the Senate, three persons as judges of said court, any two of whom shall constitute a quorum for the transaction of business. They shall hold their office for the term of years, and until their successors be duly qualified.

§ 6. Whenever any of the judges, from any cause, fail to attend, or, if in attendance, cannot properly preside on the trial of a cause or causes pending in said court, the Governor shall select a judge or judges from the members of the bar to act with the other judge or judges, as the court; and the court so organized may meet and adjourn from day to day, until it disposes of its business.

§ 7. If any of the special judges, so selected, refuse or fail to act, the vacancy may be supplied in like manner.

§ 8. When it becomes necessary to select judges, as provided in the preceding sections, the court shall make any entry of the fact on is record, and cause a copy of it to be delivered to the Governor, who shall, thereupon, select and commission special judges for the occasion, and cause their commissions to be delivered to them; and the clerk shall notify the persons selected of the time fixed for the holding of said court.

§ 9. The parties may select the judges provided for in the preceding sections, or permit any one of the judges of the Superior Court to make the selection; and the judges so selected may proceed to act without commissions.

§ 10. Every judge of the Superior Court, and every special judge of said court, before he enters on the discharge of his duties, must, in addition to the oaths prescribed by the Constitution, take the following oath:

I, A B, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and I will faithfully and impartially discharge all the duties incumbent on me as a judge of the Superior Court, according to the best of my ability.

§ 11. The commissions of judges, the selection of temporary judges, the reason for such selection, and the fact that the requisite oaths have been taken, must be entered on the order-book of the court.

§ 12. Vacancies in the office of judge of said court shall be filled by the Governor, by and with the advice and consent of the Senate.

§ 13. No suit, process, matter, or thing, returned to or pending in said court, shall be discontinued, although a quorum of judges may fail to attend at the commencement, or on any other day of a term.

§ 14. The summons and process, and mode of proceeding in said court, shall be the same as now established in the Court of Appeals, until abolished by rule or order of this court.

§ 15. If, for any cause, the court does not sit on any day of a term, the court shall not be thereby adjourned, but may meet again, and proceed to business on any other day prior to the next succeeding term.

§ 16. The court may adjourn from time to time, to suit its convenience, not beyond the commencement of the next regular term; and if, for any cause, a quorum be not present, the judge in attendance may so adjourn. The period of such adjournment shall not be computed, under the rules of the court, a part of the term.

§ 17. All process issued from the court shall bear test in the name of the clerk.

§ 18. The court shall annually hold two terms, commencing on the first Mondays in June and December, and shall sit so long as the business of the court requires.

§ 19. The Clerk of the Court of Appeals shall be the clerk of the Superior Court, and shall receive for his services the same fees allowed the Clerk of the Court of Appeals for similar services, which

may be collected in the same manner. He shall enter the judgments of the Superior Court in full, for which he shall be entitled to receive the same fees allowed clerks of county courts for copying a record, which shall be taxed as other costs. He shall keep an index and cross-index to said judgment-book.

§ 20. The provisions of title XVIII, of the Civil Code of Practice, so far as applicable, shall apply to the Superior Court.

§ 21. Appeals from the judgment or final order of the Superior Court to the Court of Appeals shall be granted as a matter of right, in all cases except for the recovery of money or personal property, where the matter in controversy is less than hundred dollars in value. But no appeal shall be granted to the Court of Appeals after sixty days from the rendering the judgment or final order, or overruling a petition for a rehearing in the Superior Court.

§ 22. When an appeal is granted to the Court of Appeals, it shall be the duty of the clerk of the Superior Court to file in the office of the Clerk of the Court of Appeals the original transcript, together with certified copies of all orders and decisions of the Superior Court, and the taxation of costs in said court.

§ 23. The decision and mandate of the Court of Appeals shall be certified to the court from which the appeal was originally taken to the Superior Court, and execution *fieri facias* shall issue from the Court of Appeals for the costs in both courts.

§ 24. The judges shall each receive an annual salary in amount equal to the salary of the Judges of the Court of Appeals, and to be paid in the same manner.

§ 25. A sergeant shall be appointed by the court, and all laws in relation to the duties, fees, qualification, term of office, power and liabilities of the sergeant of the Court of Appeals, shall apply to the sergeant of the Superior Court.

§ 26. For any reasonable cause the Governor shall remove any of the judges of the said court, on the address of two thirds of each House of the General Assembly: *Provided, however*, That the cause or causes for which such removal may be required, shall be stated at length in such address, and on the Journal of each House.

§ 27. This act shall take effect and be in force from and after its passage.

Mr. Whitaker moved to fill the blank in section 1, line 12, with the words "three hundred dollars."

And the question being taken thereon, it was decided in the affirmative.

Mr. Whitaker then moved to fill the blank in the 5th section, line 5, with the word "six."

Mr. Holt moved to fill said blank with the word "four."

Mr. Duvall moved to fill said blank with the word "eight."

The question was then taken on the motion made by Mr. Duvall, and it was decided in the negative.

The question was then taken on the motion made by Mr. Whitaker, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Chelf and Holt, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	John W. Johnson,
Robert Boyd,	W. W. Frazer,	William Johnson,
W. H. Chelf,	John J. Gatewood,	A. L. Martin,
Wm. L. Conklin,	Jesse C. Gilbert,	E. D. Standiford,
G. W. Connor,	D. R. Haggard,	A. G. Talbott,
John E. Cooper,	H. S. Hale,	W. L. Vories,
J. H. Dorman,	Thomas F. Hargis,	Emery Whitaker—21.

Those who voted in the negative, were—

R. A. Burton,	F. W. Darby,	G. A. C. Holt,
E. P. Campbell,	Edwin Hawes,	W. H. Sneed—8.
James F. Clay,	J. B. Haydon,	

Mr. Wm. Johnson moved to fill the blank in the 21st section by inserting the words "two hundred and fifty," striking out the word "hundred."

And the question being taken thereon, it was decided in the negative.

Mr. Wm. Johnson then moved to fill the blank with the word "three."

And the question being taken thereon, it was decided in the affirmative.

Mr. Holt then moved to amend said bill as follows, viz:

In section 5, lines 2 and 3, strike out the words "the Governor shall nominate by and with the advice of the Senate," and insert in lieu thereof the words, "there shall be elected by the qualified voters of this Commonwealth."

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Holt and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	F. W. Darby,	Edwin Hawes,
Robert Boyd,	W. W. Frazer,	J. B. Haydon,
R. A. Burton,	Jesse C. Gilbert,	G. A. C. Holt,
James B. Casey,	D. R. Haggard,	A. G. Talbott—14.
John E. Cooper,	H. S. Hale,	

Those who voted in the negative, were—

E. P. Campbell,	John J. Gatewood,	W. H. Sneed,
W. H. Chelf,	Thomas F. Hargis,	E. D. Standiford,

Wm. L. Conklin,	John W. Johnson,	W. L. Vories,
J. H. Dorman,	William Johnson,	Ben. J. Webb,
William P. Duvall,	A. L. Martin,	Emery Whitaker—15.

Mr Chelf then moved to reconsider the vote by which the Senate had agreed to fill the first blank in the bill.

And the question being taken thereon, it was decided in the negative.

Mr. Cooper then moved to reconsider the vote by which the Senate had agreed to fill the blank in the 5th section.

Which motion was simply entered.

On motion of Mr. Talbott,

Ordered, That said bill be recommitted to the Committee on the Judiciary, with instructions to report on Friday next.

Mr. Conklin, from the Committee on Finance, to whom was referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Wilson Morgan, former sheriff of Clay county, and his sureties,

Reported the same with an amendment as a substitute therefor.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read,

An act for the benefit of Wilson Morgan, collector of the revenue of Clay county for the year 1870, and his sureties.

The following bills were reported from the several committees directed to prepare and bring in the same, viz :

By Mr. Talbott, from the Committee on Railroads—

1. A bill for the relief of the stockholders of the Evansville, Henderson, and Nashville Railroad Company.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

2. A bill to prohibit the sale of ardent, vinous, malt, spirituous, intoxicating liquors, or the mixture thereof, in the county of Breathitt.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be printed, and recom-

mitted to the Committee on Railroads, and the 2d was ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hale, from the Committee on Finance, reported a bill, entitled

A bill for the benefit of Mary Ann Pecantet's heirs, of Graves county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, On the 16th day of November, 1863, the Auditor of Public Accounts, by his agent, in pursuance of law, caused the sale of lands listed for taxation in the name of Mary Ann Pecantet's heirs, lying and being in the county of Graves, to be sold for the non-payment of taxes, amounting in all at said date to two hundred and ninety-two dollars and forty-six cents, of which amount the actual taxes due the State were eighty-three dollars and fifty-six cents, and the interest thereon being two hundred and eight dollars and ninety cents, making the said gross sum of two hundred and ninety-two dollars and forty-six cents; and whereas, it has been decided by a court of competent jurisdiction, as between the said heirs and the purchaser at said sale, that said sale was illegal and void; but it has been decreed by said court that said heirs, who are minors, shall refund to said purchaser the amount so paid by him at said sale, and interest thereon since November 16th, 1863, until the present time; and whereas, there are now in the hands of R. T. Albritton, sheriff of Graves county, for collection, taxes against the lands of said heirs, for the year 1870, amounting to one hundred and eleven dollars, of which amount sixty-six dollars and sixty cents is the interest at the [rate of] 150 per cent. on $44 40; also in the hands of the said sheriff the sum of $41 25 against the lands of said heirs, as the taxes and interest for the year 1871, of which amount the interest is $13 75, and actual taxes are $27 50; and whereas, it is grievous and oppressive upon said heirs, being helpless infants, that they should lose the same; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be instructed, authorized, and directed to draw his warrant on the Treasurer of the State of Kentucky in favor of, and payable to, W. W. Tice, statutory guardian to the heirs of said Mary Ann Pecantet, deceased, for the sum of three hundred and twenty-three dollars and seventy-nine

cents, this amount being the excess ($208 90) of the amount for which said land was sold November 16th, 1863, over and above the actual taxes due the State, and interest thereon from said date till the 16th day of January, 1873.

§ 2. That R. T. Albritton, sheriff of Graves county, be authorized and directed, in his settlement with the heirs of said Mary Ann Pecantet, or their said guardian, for the years 1870 and 1871, to remit all that part of the said taxes for said years as appears to be interest or damages, being for the year 1870, $66 60, and for the year 1871, $13 75; and that upon said sheriff's settlement with the Auditor for taxes charged to him he be allowed a credit of $80 35, the aggregate amount of said two amounts herein directed to be remitted.

§ 3. That this act take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	John W. Johnson,
R. A. Burton,	W. W. Frazer,	William Johnson,
E. P. Campbell,	John J. Gatewood,	W. H. Sneed,
W. H. Chelf,	Jesse C. Gilbert,	E. D. Standiford,
James F. Clay,	D. R. Haggard,	A. G. Talbott,
Wm. L. Conklin,	H. S. Hale,	W. L. Vories,
G. W. Connor,	Thomas F. Hargis,	Ben. J. Webb,
John E. Cooper,	Edwin Hawes,	Emery Whitaker—26.
J. H. Dorman,	G. A. C. Holt,	

In the negative, Robert Boyd—1.

Resolved, That the title of said bill be as aforesaid.

Mr. Whitaker read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint committee to whom the report of the revisors of the Statutes is referred, be authorized to employ a clerk for said committee to assist them in their labors.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Boyd and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	John W. Johnson,
R. A. Burton,	William P. Duvall,	Wm. Johnson,
E. P. Campbell,	W. W. Frazer,	A. L. Martin,
W. H. Chelf,	John J. Gatewood,	W. H. Sneed,

James F. Clay,	D. R. Haggard,	E. D. Standiford,
Wm. L. Conklin,	Thomas F. Hargis,	A. G. Talbott,
G. W. Connor,	Edwin Hawes,	W. L. Vories,
John E. Cooper,	J. B. Haydon,	Ben. J. Webb,
F. W. Darby,	G. A. C. Holt,	Emery Whitaker—27.

Those who voted in the negative, were—

Robert Boyd,	Jesse C. Gilbert,	H. S. Hale—3.

The hour (12 o'clock, M.) having arrrived for the execution of the joint order of the day, viz: the election of a Senator in the Congress of the United States, to fill the vacancy existing therein occasioned by the death of the Hon. Garrett Davis,

After an interchange of messages as to the readiness on the part of both Houses of the General Assembly to proceed to the execution of the aforesaid joint order, the Speaker announced that nominations for the office aforesaid would now be in order.

Whereupon Mr. Whitaker nominated the Hon. Willis B. Machen as a suitable person to fill said office.

Mr. Boyd nominated Hon. R. Tarvin Baker for the same office.

A message having been received from the House of Representatives, announcing that the same persons as nominated in the Senate were also in nomination in the House of Representatives,

The Senate proceeded to take the vote, which stood thus:

Those who voted for Mr. Machen, were—

John S. Barlow,	William P. Duvall,	G. A. C. Holt,
R. A. Burton,	W. W. Frazer,	John W. Johnson,
James B. Casey,	John J. Gatewood,	Wm. Johnson,
W. H. Chelf,	Jesse C. Gilbert,	A. L. Martin,
James F. Clay,	D. R. Haggard,	E. D. Standiford,
Wm. L. Conklin,	H. S. Hale,	A. G. Talbott,
G W. Connor,	Thomas F. Hargis,	W. L. Vories,
John E. Cooper,	Edwin Hawes,	Ben. J. Webb,
F. W. Darby,	J. B. Haydon,	Emery Whitaker—28.
J. H. Dorman,		

Those who voted for Mr. Baker, were—

Robert Boyd,	E. P. Campbell,	W. H. Sneed—3.

Leave was given to bring in the following bills, viz:

On motion of Mr. Martin—

1. A bill for the benefit of Asa Gilbert, late sheriff of Clay county.

On motion of Mr. Campbell—

2. A bill for the benefit of James M. Wallace, late sheriff of Christian county.

On motion of same—

3. A bill to repeal an act, entitled "An act to establish a court of common pleas in Caldwell county," approved February 6th, 1871.

On motion of same—

4. A bill for the benefit and relief of persons or corporations who have paid tax on income on United States bonds, under an act approved March 8th, 1867, entitled "An act to tax income on United States bonds."

On motion of Mr. Boyd—

5. A bill for the benefit of R. L. Ewell, clerk of the Laurel county court.

On motion of Mr. Connor—

6. A bill for the benefit of Levi Yocum, sheriff elect of Montgomery county.

On motion of same—

7. A bill for the benefit of Charles G. Ragan, sheriff of Montgomery county.

On motion of Mr. Vories—

8. A bill to change the manner of compensating county judges of this Commonwealth.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st; the Committee on Finance the 2d; the Committee on Revised Statutes and Codes of Practice the 3d and 4th, and the Committee on Courts of Justice the 5th, 6th, 7th, and 8th.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined an enrolled resolution, which originated in the Senate, entitled

Resolution in relation to the Commissioners on the Revised Statutes;

And an enrolled bill, which originated in the House of Representatives, entitled

An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in Barren county;

And had found the same truly enrolled.

Said bill and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the town of Franklin.

An act in relation to stationery.

An act to amend the charter of the city of Dayton.

An act to establish the St. Louis Cemetery, of Henderson.

Resolution providing for the election of a United States Senator to fill the vacancy occasioned by the death of Hon. Garrett Davis.

Resolution providing for the appointment of Commissioners to the National Prison Reform Congress.

Resolution providing for the selection of a joint committee to whom shall be referred the report of the Commissioners to revise and codify the Statutes.

Resolution in relation to the title of the public property at Frankfort, and the propriety of removing the Seat of Government from said city.

And then the Senate adjourned.

WEDNESDAY, JANUARY 22, 1873.

A message was received from the House of Representatives, announcing their concurrence in the adoption of an amendment proposed by the Senate to a resolution, which originated in the House of Representatives, entitled

Resolution providing for printing and distributing report of Commissioners to revise and codify the Statutes.

That they had disagreed to the passage of bills, which originated in the Senate, of the following titles, viz:

An act to amend section 142 of the Civil Code of Practice.

An act amending title 5 of the Civil Code of Practice.

An act for the benefit of Levi Jackson, presiding judge of the Larue county court.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend section 328 of the Civil Code of Practice.

An act to amend section 82 of the Civil Code of Practice.

An act to repeal an act, entitled "An act for the protection of sheep in the counties of Gallatin, Nicholas, and Fleming," approved March 9th, 1872.

An act in relation to the Louisville Daily Ledger and the Louisville Weekly Ledger, newspapers published in the city of Louisville.

That they had passed bills and adopted a resolution of the following titles, viz:

1. An act to incorporate the Minett Orphan Asylum, of the city of Louisville.

2. An act to amend an act, entitled "An act creating the county of Josh Bell."

3. An act for the benefit of the Garrard county court, and to vest them with certain powers.

4. An act for the benefit of Fleming county.

5. An act to authorize the county court of Pulaski county to sell grounds, levy taxes, and issue bonds to raise money to build a courthouse.

6. An act for the benefit of Henry M. Shrodes, former justice of the peace of Ballard county.

7. An act for the benefit of Fleming county.

8. An act to authorize Bourbon county to build a court-house.

9. An act to authorize the county court of Pendleton county to sell the poor-house property in said county, and reinvest proceeds of said sale.

10. An act to legalize certain proceedings of the Garrard county court.

11. An act authorizing the clerk of the Lewis county court to make out a new cross-index to deeds recorded in the clerk's office of the Lewis county court.

12. An act to extend the time of the assessor of Harrison county for returning his assessment books.

13. An act authorizing R. P. Lovel, late sheriff of Lewis county, to list uncollected fee bills and tax receipts with constables in Lewis county for collection.

14. An act to amend the act incorporating the Vanceburg Male and Female Academy.

15. An act to repeal the 2d section of an act to amend chapter 3, article 1, section 825, of the Civil Code of Practice," approved February 22d, 1860.

16. An act to amend an act to prevent the destruction of fish in Dix river and Hanging Fork.

17. An act for the benefit of Bryantsville and Cane Run Turnpike Road Company.

18. An act for the benefit of Elizabeth M. Johnson.

19. An act to change the time of holding courts in the 7th judicial district.

20. Resolution for the benefit of S. Hodge.

Which bills and resolution were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills and resolution being dispensed with, they were referred—the 1st, 3d, 4th, 5th, 6th, 8th, 9th, 10th, 11th, 19th, and 20th to the Committee on Courts of Justice; the 2d, 7th, 12th, and 15th to the Committee on Revised Statutes and Codes of Practice; the 13th to the Committee on Finance; the 14th to the Committee on Education; the 16th to the Committee on Propositions and Grievances; the 17th to the Committee on Internal Improvement, and the 18th to the Committee on the Judiciary.

The Speaker laid before the Senate the response of Hon. J. M. Nesbitt, one of the Commissioners appointed to revise the Statutes, &c., to a resolution of the Senate in relation to certain matters pertaining to the commission.

The Senate, according to order, took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend the charter of the Louisville, Cincinnati, and Lexington Railroad Company.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Louisville, Cincinnati, and Lexington Railroad Company, for the purpose of taking up and consolidating its present bonded and floating debt, retiring its preferred stock, and completing its works and equipment, is hereby authorized and empowered to issue the bonds of the company, bearing such a rate of interest as said company shall determine, not exceeding eight per cent. per annum, payable semi-annually, and having not more than thirty years to run, to an amount not exceeding ten millions of dollars, and secure the payment of the principal and interest of said bonds by a consolidated mortgage on the property and franchises of the company, including its branches; and may sell or hypothecate such bonds, or exchange them for other bonds or preferred stock of said company, or so much thereof as may be deemed necessary, or settle the floating debt of the company therewith, in such manner and at such rates as the said company, or its board of directors, may deem best for the purposes aforesaid.

§ 2. That said company may connect its road, or any of its branches, with the railroad of any other company in this State; and may purchase or lease and operate any railroad connecting with its road or branches; and may sell or lease its road or branches, and the property and franchises thereof, to any other railroad company in this State; and may consolidate or make running and operating arrangements with or subscribe to the stock, or guarantee the bonds of any other railroad company with which it connects or has running arrangements in this State, upon such terms as may be agreed on by the contracting parties by consent of a majority in amount of their respective stockholders; and it shall be lawful for the franchises and stock or subscriptions to stock, granted and subscribed to any other railroad company, to be assigned and transferred to the said Louisville, Cincinnati, and Lexington Railroad Company, and the like powers and privileges are hereby granted to any railroad company with which the Louisville, Cincinnati, and Lexington Railroad Company may contract to make similar arrangements with said Louisville, Cincinnati, and Lexington Railroad Company: *Provided*, That the said Louisville, Cincinnati, and Lexington Railroad Company shall be bound, within two years after the execution of said mortgage hereby authorized, upon the application of the Commissioners of the Sinking Fund of the State of Kentucky, to contract with and

purchase from said Commissioners the common stock of said company now owned by the said State, at the same price and upon the same terms as those upon which the common stock was sold by said company to C. P. Huntington and others, in the year eighteen hundred and seventy-one (1871): *And provided further*, That no transfer or assignment of any subscriptions of stock by any other railroad company shall vest in said Louisville, Cincinnati, and Lexington Railroad Company any additional rights or privileges, other than such as are held by the company assigning the same at the time of such sale or assignment.

§ 3. This act shall take effect and be in force from and after its passage.

Mr. Hawes moved to amend said bill as follows, viz:

Section 2, line 1, after the word "company," and before the word "may," insert the words "or any other railroad company."

And the question being taken thereon, it was decided in the negative.

Mr. Talbott then moved to amend said bill as follows, viz:

Strike out all the first proviso, commencing after the word "company," in the 16th line, and insert the following: "*Provided, however*, That said Louisville, Cincinnati, and Lexington Railroad Company, before exercising any of the rights, privileges, or powers conferred by this act, shall first contract for and purchase from the Commissioners of the Sinking Fund of the State of Kentucky all the stock, both common and preferred stock, which said State of Kentucky owns in said Louisville, Cincinnati, and Lexington Railroad—the *common stock* at the rate of sixty-five dollars per share, and the *preferred stock* at its par value—payable in four equal payments of six, twelve, eighteen, and twenty-four months from the day of sale, with six per cent. per annum interest on the same, the prompt and faithful payment of which purchase money to be secured by a mortgage, to be executed by said railroad company to the State of Kentucky on all of said railroad and its franchises, to have priority of right over any and every other mortgage that may be given and executed by said railroad company on said railroad and its franchises, or it may be secured in any other mode which may be accepted by said Commissioners, and approved by the Governor: *Provided further*, That the Commissioners of the Sinking Fund aforesaid are hereby authorized and instructed to sell to the Louisville, Cincinnati, and Lexington Railroad Company aforesaid, all the stock, both common and preferred stock, owned by the State of Kentucky in said Louisville, Cincinnati, and Lexington Railroad and its franchises, at the price, and on the terms and conditions named and specified in the foregoing proviso, and when sold in conformity with this act, transfer the same to said company in the manner required by its charter."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Talbott and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	William Johnson,
Robert Boyd,	H. S. Hale,	W. H. Sneed,
R. A. Burton,	Edwin Hawes,	A. G. Talbott,
E. P. Campbell,	J. B. Haydon,	Emery Whitaker—14.
Wm. L. Conklin,	G. A. C. Holt,	

Those who voted in the negative, were—

James B. Casey,	William P. Duvall,	John W. Johnson,
W. H. Chelf,	W. McKee Fox,	A. L. Martin,
James F. Clay,	W. W. Frazer,	E. D. Standiford,
G. W. Connor,	Jesse C. Gilbert,	W. L. Vories,
John E. Cooper,	D. R. Haggard,	Ben. J. Webb,
F. W. Darby,	Thomas F. Hargis,	Thos. Wrightson—19.
J. H. Dorman,		

Mr. Hale then moved to amend said bill as follows, viz:

To the first section add the following proviso: *Provided*, That two thirds of the stockholders shall concur therein, voting respectively according to the number of shares they hold.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hale and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	G. W. Connor,	H. S. Hale,
E. P. Campbell,	John E. Cooper,	Edwin Hawes—6.

Those who voted in the negative, were—

John S. Barlow,	W. McKee Fox,	William Johnson,
R. A. Burton,	W. W. Frazer,	A. L. Martin,
James B. Casey,	John J. Gatewood,	W. H. Sneed,
W. H. Chelf,	Jesse C. Gilbert,	E. D. Standiford,
James F. Clay,	D. R. Haggard,	A. G. Talbott,
Wm. L. Conklin,	Thomas F. Hargis,	W. L. Vories,
F. W. Darby,	J. B. Haydon,	Ben. J. Webb,
J. H. Dorman,	G. A. C. Holt,	Thos. Wrightson—26.
William P. Duvall,	John W. Johnson,	

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Talbott and Vories, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	Thomas F. Hargis,
R. A. Burton,	William P. Duvall,	John W. Johnson,
James B. Casey,	W. McKee Fox,	A. L. Martin,
W. H. Chelf,	W. W. Frazer,	W. H. Sneed,
James F. Clay,	John J. Gatewood,	E. D. Standiford,
Wm. L. Conklin,	Jesse C. Gilbert,	W. L. Vories,
G. W. Connor,	D. R. Haggard,	Ben. J. Webb,
John E. Cooper,	H. S. Hale,	Thos. Wrightson—25.
F. W. Darby,		

Those who voted in the negative, were—

Robert Boyd,	J. B. Haydon,	A. G. Talbott,
E. P. Campbell,	G. A. C. Holt,	Emery Whitaker—8.
Edwin Hawes,	Wm. Johnson,	

Resolved, That the title of said bill be as aforesaid.

Mr. Martin then moved to reconsider the vote by which the Senate had passed said bill.

Mr. Vories moved to lay said motion on the table.

And the question being taken thereon, it was decided in the affirmative.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Hargis, from the Committee on the Judiciary—

1. A bill to regulate the time of holding circuit courts in the counties of Nicholas and Mason.

By Mr. Talbott, from the Committee on Railroads—

2. A bill to amend an act to incorporate the Cumberland and Ohio Railroad Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was ordered to be printed, and made the special order of the day for Wednesday, the 29th inst., and the 1st was ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

After an interchange of messages between the two Houses of the General Assembly touching their readiness to enter upon the execution of the joint order of the day, viz: the election of a Senator in the Congress of the United States, to fill the unexpired term of the

Hon. Garrett Davis, deceased, as also in conformity with the law regulating such elections, the Senate, at 12 o'clock, M., repaired to the Hall of the House of Representatives.

The Speaker of the Senate took the Chair, and called to order the Joint Assembly.

The Speaker then announced that the Clerks of the respective Houses would now proceed to recapitulate the vote of each House taken on yesterday for Senator, to serve as such in the Congress of the United States, to fill the unexpired term of Hon. Garrett Davis, deceased, which term expires on the 3d day of March next.

Whereupon it was ascertained that in the Senate the Hon. Willis B. Machen, of the county of Lyon, had received twenty-eight votes, and the Hon. R. Tarvin Baker, of the county of Campbell, had received three votes; and that in the House of Representatives the Hon. Willis B. Machen had received seventy-six votes, and the Hon. R. Tarvin Baker had received fifteen votes.

It having been ascertained that a majority of all the members elected to each branch of the General Assembly was present and voting, the Speaker announced that the Hon. Willis B. Machen, having received one hundred and four votes, it being a majority of all the votes cast in the two Houses, was duly elected Senator in the Congress of the United States, to serve as such until the 4th day of March, 1873.

On motion, the Joint Assembly was then dissolved, the Senate returning to the Senate Chamber, and the Speaker having resumed the Chair, the following petition and remonstrance were presented, viz:

By Mr. Wm. Johnson—

1. The petition of the county judge and justices of Nelson county, praying that judges of elections be allowed two dollars per day.

By Mr. Hargis—

2. The remonstrance of sundry citizens of Carter county, against the territory on which they reside being stricken from the county of Carter, and attached to the county of Rowan.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Revised Statutes and Codes of Practice, and the 2d to the Committee on Propositions and Grievances.

Leave was given to bring in the following bills, viz:

On motion of Mr. Haggard—

1. A bill to change the name of Miss Sarah C. Shey to Sarah C. Spear, of the county of Cumberland.

On motion of Mr. Boyd—

2. A bill authorizing the trustees of the town of Barbourville to guarantee to the first railroad company making a railroad through Knox county sufficient land in said town, or adjacent thereto, for a depot.

On motion of same—

3. A bill to repeal an act to exempt homesteads from sale for debt, approved February 10th, 1866.

On motion of same—

4. A bill to regulate the time of holding circuit courts in the 15th judicial district.

On motion of same—

5. A bill authorizing the Knox county court to guarantee the right of way through said county to the first railroad company making a railroad through said county, in the direction of Cumberland Gap.

On motion of Mr. Hargis—

6. A bill to erect and establish criminal courts in this Commonwealth.

On motion of Mr. Campbell—

7. A bill to amend section 16, chapter 1, title 2, of Civil Code of Practice.

On motion of Mr. Wrightson—

8. A bill to amend the charter of Tug Fork Iron, Salt, Mining, and Manufacturing Company.

Ordered, That the Committee on Propositions and Grievances prepare and bring in the 1st; the Committee on Internal Improvement the 2d and 5th; the Committee on Revised Statutes and Codes of Practice the 3d and 7th; the Committee on Courts of Justice the 4th; the Committee on Agriculture and Manufactures the 8th, and a select committee, consisting of Messrs. Whitaker, Duvall, Martin, and Conklin, the 6th.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of J. M. Curry, late sheriff of Pendleton county, and his sureties;

An act to amend the charter of the Bardstown and Green River Turnpike Road Company;

An act in relation to the Louisville Daily Ledger and the Louisville Weekly Ledger, newspapers published in the city of Louisville;

An act to incorporate the town of Dulaney, in Caldwell county;

An act to amend an act, entitled "An act to amend the charter of the Owenton and Ross Mill Turnpike Road Company;"

An act partitioning the Fairfield and Samuels' Depot Turnpike Road, and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company and the Samuels' Depot and Cox's Creek Turnpike Road Company;

And an enrolled resolution, which originated in the House of Representatives, of the following title, viz:

Resolution providing for printing and distributing report of Commissioners to revise and codify the Statutes;

And had found the same truly enrolled.

Said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

And then the Senate adjourned.

THURSDAY, JANUARY 23, 1873.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution, which originated in the Senate, entitled

Resolution in relation to the appointment of a clerk for the joint committee on the revision of the statutes,

With an amendment.

Mr. Martin presented the petition of John Scott, of Pike county, praying to be released from a judgment of the Franklin circuit court.

Which was received, the reading dispensed with, and referred to the Committee on the Judiciary.

Bills from the House of Representatives, of the following titles, were reported from the Committee on Banks and Insurance, viz:

By Mr. Whitaker—

An act to amend an act, entitled "An act to incorporate the Christian County Bank," approved March 2d, 1872.

By same—

An act to amend an act, entitled "An act to incorporate the German Insurance Bank," approved March 14th, 1872.

By same—

An act to re-enact an act, entitled "An act to amend an act to incorporate the Bank of Union County."

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Conklin, from the Committee on Finance—

1. A bill to change the manner of collecting the delinquent taxes in the State of Kentucky.

By Mr. Frazer, from the Committee on Banks and Insurance—

2. A bill to amend an act, entitled "An act to incorporate the Bank of Mayfield," approved March 10, 1870.

By Mr. Whitaker, from the Committee on Courts of Justice—

3. A bill for the benefit of Chas. G. Ragan, sheriff of Montgomery county.

By same—

4. A bill for the benefit of Levi Yocum, sheriff elect of Montgomery county.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

5. A bill amending an act approved March 9th, 1868, entitled "An act fixing the time for the election, in this State, of Representatives to the Congress of the United States."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be printed, and made the special order of the day for Tuesday next, the 28th inst.; the further consideration of the 4th was postponed until to-morrow; the 5th was ordered to be printed, and made the special order of the day for Monday next, 27th inst., and the 2d and 3d were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Barlow, from a select committee, reported a bill, entitled

A bill to prohibit the carrying of concealed deadly weapons.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as the second reading of said bill being dispensed with,

Mr. Whitaker moved an amendment to said bill.

Ordered, That said bill and proposed amendment be printed, and that it be made the special order of the day for Wednesday, February 5.

The Senate, according to order, took up for consideration a bill, entitled

A bill to repeal a portion of the 7th section of an act, entitled "An act to incorporate the Public Library of Kentucky," which became a law on the 16th day of March, 1871,

Together with the amendment as proposed by Mr. Whitaker.

The original bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That that portion of the seventh section of the act referred to in the title, which empowers the corporators to "give, not exceeding five in number, public literary, musical, or dramatic entertainments, at which they may distribute, by lot, to patrons of the entertainments, a portion of the proceeds arising from the sale of tickets of admission," be, and the same is hereby, repealed.

§ 2. This act to take effect from and after the ninth (9th) day of April, 1873.

The amendment proposed by Mr. Whitaker, and which he stated, at the time of its introduction had not been prepared by himself—indeed, that he had never examined it, but offered it at the request of a friend—reads as follows, viz:

WHEREAS, It appears from the published reports of the officers of the Public Library of Kentucky that a large amount of money has been, by the gift concerts given by that institution, accumulated from the public for the benefit of the public; and whereas, the amount contributed to said institution by its stockholders is comparatively insignificant, and the large sum so acquired from the public should be placed more under its control than is done by the present provisions of the charter of that institution; and whereas, it appears from said reports that the trustees of that institution have violated the charter thereof in failing to invest in permanent stocks and improved real estate in the city of Louisville a considerable amount of money received by said corporation for which its trustees were not required to issue stock; and whereas, they, the said trustees, have also violated said charter in failing to offer to all good citizens desiring to do so, an opportunity to contribute, by subscriptions to its capital stock, to the establishment and maintenance, in the city of Louisville, of such a library as is contemplated in said charter; and whereas, the system of lotteries which has been carried on by the said trustees has been found to exert a most demoralizing influence upon the public:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That after the concert and drawing advertised to be given on the — day of ——, all power of said corporation "to give public literary, musical, and dramatical entertainments, at which they may distribute, by lot, to the patrons of the entertainments, a portion of the proceeds arising from the sale of tickets of admission," shall cease and determine.

§ 2. That hereafter there shall be eight, instead of nine, trustees of said institution, who shall be appointed and hold their offices as follows, instead of as now provided in said charter: that is to say, two shall be elected by the stockholders of said company as now provided in said charter, two shall be appointed by the Governor of Kentucky, one each by the Mayor of Louisville and the President of the Board of Trade of Louisville, and one shall be elected by each of the following bodies: the Board of Education of the State of

Kentucky and the Board of Trustees of the public schools of the city of Louisville. The terms of two of said trustees shall expire on the 16th day of March of every year, and their successors shall be appointed prior to that date by the persons or boards who appointed those whose terms are to expire.

§ 3. The first board of trustees shall be appointed before the 16th of March next, and enter upon their offices upon that day; shall determine by lot the order in which their respective terms shall expire, and give notice thereof to the persons and boards who appointed them. If, at any time, there shall be a vacancy in said board, a successor shall be appointed or elected by the person or board who appointed or elected the trustee whose place shall have become vacant, within two weeks after notification of the vacancy by said board, which successor shall hold office for the unexpired term.

§ 4. If all members of said board shall not be appointed by the 16th of March next, or if new members shall not be appointed or elected or vacancies filled at the time herein provided, the remaining members of the board shall elect suitable persons to fill up the board for the full or unexpired term, as the case may be.

§ 5. Any person desiring so to do may subscribe for as many shares of the capital stock of said company as he may desire to subscribe for upon tendering the money therefor, and the trustees may be compelled, in case of refusal, to receive such subscriptions by mandamus from the Jefferson Court of Common Pleas.

§ 6. If, at any time, the capital stock of said company shall exceed fifty thousand dollars, the number of its board of trustees shall be increased to ten, and four of them shall be elected by the stockholders.

§ 7. Said corporation may establish a museum and galleries of art, as well as a library, and provide for the delivery of lectures upon literary, scientific, and mechanical subjects, and charge reasonable fees for admission to the same.

§ 8. If trustees elected under the provisions of the present or original charter of said company shall resist the enforcement of the above provisions as amendments to the said charter, the new trustees, to be appointed under this act, shall cause to be instituted legal proceedings in the proper court in Jefferson county, in their own name or that of the Commonwealth, to enforce said amendments, to prevent any trustee, under the provisions of the original charter, from usurping the office of trustee, to forfeit the charter of said company, and to require all trustees and officers, under the provisions of the original charter, to account for all moneys which have come into their hands, and for all which should have been received by said corporation, and which have been misappropriated with their knowledge and consent. And they may pursue all or any of said remedies seriatim or contemporaneously.

§ 9. In any of such proceedings the court having jurisdiction thereof shall have power to compel the production in court of all books and papers and accounts of the said corporation, and to compel the trustees and officers thereof to disclose all matters in their knowledge relating to its affairs, and to make such orders as it may deem neces-

sary to secure the safety and good management of the funds and other property of said corporation pending the litigation.

§ 10. In the event that it shall be finally decided that the Legislature has not power to pass the above amendments to said charter, and that the said corporation has not forfeited its charter, then the said charter shall be, and the same is hereby, repealed—said repeal to take effect on the day of said final decision.

§ 11. In the event of the forfeiture or repeal of said charter, as above provided, a new corporation shall be, and the same is hereby, established, under the name of "The Kentucky Public Library," to be organized and governed in all respects as is provided for the organization and government of "The Public Library of Kentucky" in the original charter thereof and in this act, and to have all the rights and powers, and subject to all the restrictions, duties, and provisions therein contained and provided for.

§ 12. In the event mentioned in the last section, all the money and property received from the present subscribers to the capital stock of the Public Library of Kentucky shall be repaid and redelivered, in kind, to the holders of the respective shares on which the same were received, and the remaining property, choses in action, rights and franchises, of every description, of the Public Library of Kentucky, shall vest in, and become the property of, "The Kentucky Public Library."

§ 13. In the event that the enforcement of the provisions of this act shall not be resisted by the trustees under the present charter, the new trustees may make such liberal compromise as they may deem just and proper of any claims they may believe to exist against the present trustees and officers of said company, growing out of the past management of its affairs.

§ 14. The cost of any litigation herein provided for, not to exceed one thousand five hundred dollars, shall, if successful, be defrayed out of the funds of said company. If unsuccessful, the same shall be defrayed by the Commonwealth.

Mr. Holt then moved to amend the amendment proposed by Mr. Whitaker as follows, viz:

Section 11, line 6, after the word "powers," and before the word "and," insert the words "except any lottery powers."

The question was then taken on the adoption of the amendment proposed by Mr. Holt, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hargis and Boyd, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	J. B. Haydon,
Robert Boyd,	William P. Duvall,	William Johnson,
R. A. Burton,	W. W. Frazer,	A. L. Martin,
E. P. Campbell,	John J. Gatewood,	W. H. Sneed,
W. H. Chelf,	H. S. Hale,	A. G. Talbott,

James F. Clay, Thomas F. Hargis, Ben. J. Webb,
Wm. L. Conklin, Edwin Hawes, Emery Whitaker—22.
G. W. Connor,

Those who voted in the negative, were—

James B. Casey, Jesse C. Gilbert, O. D. McManama,
John E. Cooper, John W. Johnson, E. D. Standiford—7.
W. McKee Fox,

The question was then taken on the adoption of the amendment proposed by Mr. Whitaker, as amended by the amendment proposed by Mr. Holt, and it was decided in the negative.

Mr. Hargis moved the previous question.

And the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Webb and Haydon, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd, Thomas F. Hargis, W. H. Sneed,
E. P. Campbell, Edwin Hawes, Ben. J. Webb,
Wm. L. Conklin, J. B. Haydon, Emery Whitaker—10.
H. S. Hale,

Those who voted in the negative, were—

John S. Barlow, J. H. Dorman, John W. Johnson,
R. A. Burton, William P. Duvall, William Johnson,
James B. Casey, W. McKee Fox, A. L. Martin,
W. H. Chelf, W. W. Frazer, O. D. McManama,
James F. Clay, John J. Gatewood, E. D. Standiford,
G. W. Connor, Jesse C. Gilbert, A. G. Talbott—20.
John E. Cooper, D. R. Haggard,

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend section 328 of the Civil Code of Practice;

An act to amend section 82 of the Civil Code of Practice;

An act to repeal an act, entitled "An act for the protection of sheep in the counties of Gallatin, Nicholas, and Fleming," approved March 9th, 1872;

And an enrolled bill, which originated in the House of Representatives, entitled

An act to amend the charter of the Louisville, Cincinnati, and Lexington Railroad Company;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

On motion of Mr. Whitaker, leave was given to bring in a bill, entitled

A bill for the benefit of, and to reincorporate, the Norton Iron Works.

Which was referred to the Committee on Railroads.

And then the Senate adjourned.

FRIDAY, JANUARY 24, 1873.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act for the benefit of Wilson Morgan, former sheriff of Clay county, and his securities.

That they had passed bills of the following titles, viz:

1. An act to incorporate the Merchants' Banking Company, of Caverna.

2. An act to amend the revenue laws of this Commonwealth.

3. An act to amend an act, entitled "An act to authorize the trustees of the Cincinnati Southern Railway to acquire the right of way and extend a line of railway through certain counties in this Commonwealth."

4. An act to amend the charter of Tygart Valley Iron Company.

5. An act for the benefit of John L. Farrar, of McCracken county.

6. An act to amend an act incorporating the Riverton Iron and Mining Company.

7. An act for the benefit of L. R. Thurman.

8. An act amendatory of the charter of the town of Glasgow.

9. An act for the benefit of F. G. Bybee, late marshal of Glasgow.

10. An act to incorporate the Riverton Savings Bank.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 10th to the Committee on Banks and Insurance; the 2d and 9th to the Committee on Finance; the 3d to the Committee on Railroads; the 4th and 6th to the Committee on Agriculture and Manufactures, and the 5th, 7th, and 8th to the Committee on the Judiciary.

The following petitions were presented, viz:

By Mr. Talbott—

The petition of sundry stockholders and directors of the Danville and Hustonville Turnpike Road Company, asking an amendment to the charter of said company.

By Mr. Gilbert—

The petition of sundry citizens of Paducah, praying the passage of a law granting to the United States jurisdiction over certain lands and lots in Paducah for the erection of a custom-house, post-office, court-house, &c.

Which were received, the reading dispensed with, and referred to the Committee on the Judiciary.

Mr. Conklin, from the Committee on Finance, to whom had been referred bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of J. H. Kirk, late sheriff of Marion county;

An act for the benefit of J. W. Furgeson, late sheriff of Calloway county;

Reported the same, with the expression of opinion that said bills ought not to pass.

And the question being taken respectively on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Sneed, from the Committee on Finance—

An act for the benefit of Misses Virginia and Lizzie Smith.

By Mr. Clay, from the Committee on the Judiciary—

An act to amend an act, entitled "An act authorizing the sale of certain alleys in the town of Winchester," approved February 19th, 1849.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

1. A bill to change and fix the time of holding the Hart circuit court.

By Mr. Standiford, from the Committee on Charitable Institutions—

2. A bill to establish in this Commonwealth a uniform system of common schools for the education of children of African descent.

By Mr. Haggard, from the Committee on Propositions and Grievances—

3. A bill to regulate the making, storing, and transportation of explosive substances.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was made the special order of the day for Thursday, the 6th of February next; the 2d was ordered to be printed, and referred to the Committee on Education, and the 3d was amended and ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wm. Johnson, from the Committee on the Judiciary, in pursuance of instructions, reported a bill which had been recommitted to them, entitled

A bill to establish the Superior Court,

With an amendment.

Said bill, as previously amended, reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established a court, to be styled the "Superior Court," which shall have appellate jurisdiction only, which shall be coextensive with the State. Said court shall have exclusive appellate jurisdiction of the judgments and final orders of all inferior courts on the appointment and removal of guardians, the settlements of the accounts of fiduciaries, the partition of land, the allotment of dower, the establishment, alteration, or discontinuance of ferries, mills and dams, roads and passways, inquisitions of forcible entry or detainer, or for appropriating private property to public use, except where otherwise directed by law; in cases of bastardy, in actions or proceedings for the recovery of money or personal property where the matter in controversy is not less than fifty dollars and does not exceed three hundred dollars in value; except where the judgment or order is by the quarterly court, police court, city or mayor's court, or justices' court, and an appeal is given to the quarterly or circuit court.

§ 2. The costs are not to be included in estimating the value necessary to give jurisdiction to said court.

§ 3. An error of the appellant in having appealed to the Superior Court or Court of Appeals, shall not cause the dismissal of the appeal, but said appeal shall be transferred to the proper court.

§ 4. The Superior Court shall hold its sessions at the seat of government.

§ 5. Said court shall consist of three judges, who shall, by virtue of their offices, be conservators of the peace throughout the State. The Governor shall nominate, by and with the advice of the Senate, three persons as judges of said court, any two of whom shall constitute a quorum for the transaction of business. They shall hold their office for the term of six years, and until their successors be duly qualified.

§ 6. Whenever any of the judges, from any cause, fail to attend, or, if in attendance, cannot properly preside on the trial of a cause or causes pending in said court, the Governor shall select a judge or judges from the members of the bar to act with the other judge or judges, as the court; and the court so organized may meet and adjourn from day to day, until it disposes of its business.

§ 7. If any of the special judges, so selected, refuse or fail to act, the vacancy may be supplied in like manner.

§ 8. When it becomes necessary to select judges, as provided in the preceding sections, the court shall make any entry of the fact on is record, and cause a copy of it to be delivered to the Governor, who shall, thereupon, select and commission special judges for the

occasion, and cause their commissions to be delivered to them; and the clerk shall notify the persons selected of the time fixed for the holding of said court.

§ 9. The parties may select the judges provided for in the preceding sections, or permit any one of the judges of the Superior Court to make the selection; and the judges so selected may proceed to act without commissions.

§ 10. Every judge of the Superior Court, and every special judge of said court, before he enters on the discharge of his duties, must, in addition to the oaths prescribed by the Constitution, take the following oath:

I, A B, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and I will faithfully and impartially discharge all the duties incumbent on me as a judge of the Superior Court, according to the best of my ability.

§ 11. The commissions of judges, the selection of temporary judges, the reason for such selection, and the fact that the requisite oaths have been taken, must be entered on the order-book of the court.

§ 12. Vacancies in the office of judge of said court shall be filled by the Governor, by and with the advice and consent of the Senate.

§ 13. No suit, process, matter, or thing, returned to or pending in said court, shall be discontinued, although a quorum of judges may fail to attend at the commencement, or on any other day of a term.

§ 14. The summons and process, and mode of proceeding in said court, shall be the same as now established in the Court of Appeals, until abolished by rule or order of this court.

§ 15. If, for any cause, the court does not sit on any day of a term, the court shall not be thereby adjourned, but may meet again, and proceed to business on any other day prior to the next succeeding term.

§ 16. The court may adjourn from time to time, to suit its convenience, not beyond the commencement of the next regular term; and if, for any cause, a quorum be not present, the judge in attendance may so adjourn. The period of such adjournment shall not be computed, under the rules of the court, a part of the term.

§ 17. All process issued from the court shall bear test in the name of the clerk.

§ 18. The court shall annually hold two terms, commencing on the first Mondays in June and December, and shall sit so long as the business of the court requires.

§ 19. The Clerk of the Court of Appeals shall be the clerk of the Superior Court, and shall receive for his services the same fees allowed the Clerk of the Court of Appeals for similar services, which may be collected in the same manner. He shall enter the judgments of the Superior Court in full, for which he shall be entitled to receive the same fees allowed clerks of county courts for copying a record, which shall be taxed as other costs. He shall keep an index and cross-index to said judgment-book.

§ 20. The provisions of title XVIII, of the Civil Code of Practice, so far as applicable, shall apply to the Superior Court.

§ 21. Appeals from the judgment or final order of the Superior Court to the Court of Appeals shall be granted as a matter of right, in all cases except for the recovery of money or personal property, where the matter in controversy is less than three hundred dollars in value. But no appeal shall be granted to the Court of Appeals after sixty days from the rendering the judgment or final order, or overruling a petition for a rehearing in the Superior Court.

§ 22. When an appeal is granted to the Court of Appeals, it shall be the duty of the clerk of the Superior Court to file in the office of the Clerk of the Court of Appeals the original transcript, together with certified copies of all orders and decisions of the Superior Court, and the taxation of costs in said court.

§ 23. The decision and mandate of the Court of Appeals shall be certified to the court from which the appeal was originally taken to the Superior Court, and execution *fieri facias* shall issue from the Court of Appeals for the costs in both courts.

§ 24. The judges shall each receive an annual salary in amount equal to the salary of the Judges of the Court of Appeals, and to be paid in the same manner.

§ 25. A sergeant shall be appointed by the court, and all laws in relation to the duties, fees, qualification, term of office, power and liabilities of the sergeant of the Court of Appeals, shall apply to the sergeant of the Superior Court.

§ 26. For any reasonable cause the Governor shall remove any of the judges of the said court, on the address of two thirds of each House of the General Assembly: *Provided, however*, That the cause or causes for which such removal may be required, shall be stated at length in such address, and on the Journal of each House.

§ 27. This act shall take effect and be in force from and after its passage.

The amendment proposed by the committee is as follows, viz:

Amend section 1 by striking out "three hundred dollars," and inserting in lieu thereof "five hundred dollars."

Which was adopted.

Mr. Casey then moved to amend said bill as follows, viz:

To section 19 add the following proviso: *Provided, however*, That it shall be unlawful for the clerk to practice in this court, or take any fee or compensation for services rendered or to be rendered in any cause pending in said court, and if he does so, he shall forfeit his office.

Which was adopted.

On motion,

Ordered, That the further consideration of said bill be postponed until Wednesday next, the 5th of February.

Mr. John W. Johnson, from the Committee on Religion and Morals, reported a bill, entitled

A bill to prohibit the sale of liquors on the Sabbath day.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any person who shall sell or give, in any quantity, wine, spirituous, or malt liquors of any kind, or the mixture of either, on the Christian Sabbath day, shall be deemed guilty of a misdemeanor, and fined not less than fifty dollars for the first offense, and one hundred dollars for the second or any subsequent offense.

§ 2. Magistrates shall have concurrent jurisdiction with the circuit court to try and fine offenders under this act, which shall be given in charge to the grand jury by the several circuit judges of this Commonwealth at each term of their respective courts; but no indictment in trials before magistrates shall be necessary.

§ 3. Fines arising under this act shall be applied and paid over in the same manner that fines for selling spirituous liquors to minors are, and the same per cent. and attorney's fee shall be allowed the prosecutor under this act as are now allowed under said act relative to minors.

§ 4. This act shall take effect sixty days after its passage.

Mr. Whitaker moved to amend said bill as follows, viz:

Section 1, line 1, after the word "that," and before the word "any," insert the word "if," and same line, after the word "who," and before the word "shall," insert the words "is licensed to sell."

Which was adopted.

Mr. McManama moved to amend said bill as follows, viz:

Section 1, line 1, after the word "give," and before the word "in," insert the words "or cause to be sold or given."

Which was adopted.

Mr. Haggard then moved to amend said bill as follows, viz:

Section 1, line 4, after the word "day," and before the word "shall," insert the words "except for medicinal purposes."

Mr. Martin then moved to amend the amendment proposed by Mr. Haggard by adding thereto the words "upon the written prescription of a practicing physician."

Which was adopted.

The amendment proposed by Mr. Haggard, as amended, was then adopted.

Mr. Fox then moved to amend said bill as follows, viz:

Section 1, line 1, strike out the word "sell."

And the question being taken thereon, it was decided in the negative.

Mr. Campbell then moved to amend said bill as follows, viz:

Section 1, after the word "given," insert the words "to any person."

Which was adopted.

Mr. Hale then moved the previous question.

And the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Haggard and Standiford, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	John W. Johnson,
Robert Boyd,	D. R. Haggard,	Wm. Johnson,
E. P. Campbell,	H. S. Hale,	A. L. Martin,
W. H. Chelf,	Thomas F. Hargis,	O. D. McManama,
James F. Clay,	Edwin Hawes,	W. H. Sneed,
Wm. L. Conklin,	J. B. Haydon,	A. G. Talbott,
J. H. Dorman,	G. A. C. Holt,	Emery Whitaker—21.

Those who voted in the negative, were—

R. A. Burton,	W. McKee Fox,	E. D. Standiford,
James B. Casey,	John J. Gatewood,	W. L. Vories,
G. W. Connor,	Jesse C. Gilbert,	Ben. J. Webb,
John E. Cooper,	Alfred T. Pope,	Thos. Wrightson—12.

Resolved, That the title of said bill be as aforesaid.

Mr. Hargis moved to reconsider the vote by which the Senate had passed said bill.

Mr. Campbell moved to lay said motion on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hale and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	Wm. Johnson,
Robert Boyd,	H. S. Hale,	A. L. Martin,
E. P. Campbell,	Thomas F. Hargis,	O. D. McManama,
W. H. Chelf,	Edwin Hawes,	W. H. Sneed,
James F. Clay,	J. B. Haydon,	A. G. Talbott,
Wm. L. Conklin,	G. A. C. Holt,	Emery Whitaker—20.
J. H. Dorman,	John W. Johnson,	

Those who voted in the negative, were—

R. A. Burton,	W. W. Frazer,	E. D. Standiford,
James B. Casey,	John J. Gatewood,	W. L. Vories,
G. W. Connor,	Jesse C. Gilbert,	Ben. J. Webb,
John E. Cooper,	Alfred T. Pope,	Thos. Wrightson—13.
W. McKee Fox,		

The Senate took up for consideration a bill, entitled

A bill for the benefit of railroad contractors.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the claims of contractors, for labor or materials furnished in the construction of any railroad in this Commonwealth, shall have priority over all other claims against such railroad, or the company or persons owning or operating the same: *Provided*, That the said contractor, or the person owning or controlling such claim, shall, within sixty days from the time such contractor ceases to furnish the labor or materials, file in the county court clerk's office of the county in which the labor was performed, or the materials were furnished, a written statement setting forth the nature and amount of the claim. But nothing in this act shall be so construed as to impair or prejudice any claim, right, or lien in existence at the time this act shall take effect, nor shall the provisions of this act be so construed as to deprive the Commonwealth of her precedence in any claim she may have at any time.

§ 2. That the priority herein given to the claims of contractors shall not continue longer than one year after the time of filing such claim in the clerk's office, unless suit thereon shall have been commenced before the expiration of the year.

Mr. Whitaker then moved to amend said bill as follows, viz:

Section 1, line 11, after the word "time," and before the word "this," insert the words "such labor or materials are furnished," and strike out the words, in same line, "this act shall take effect."

Mr. Hargis then moved to amend the amendment proposed by Mr. Whitaker by substituting in lieu thereof the following, viz:

After the word "same," in line 4, and before the word "provided," add the following: "to the extent of the value of the labor done, or materials furnished, so far as the same may add to the value of such railroad."

And the question being taken thereon, it was decided in the negative.

The question was then taken on the adoption of the amendment proposed by Mr. Whitaker, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Whitaker and Holt, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	O. D. McManama,
Robert Boyd,	W. W. Frazer,	Alfred T. Pope,
James B. Casey,	John J. Gatewood,	E. D. Standiford,
W. H. Chelf,	H. S. Hale,	A. G. Talbott,
Wm. L. Conklin,	J. B. Haydon,	Ben. J. Webb,
G. W. Connor,	John W. Johnson,	Emery Whitaker,
John E. Cooper,	William Johnson,	Thos. Wrightson—21.

Those who voted in the negative, were—

E. P. Campbell,	D. R. Haggard,	Edwin Hawes,
Jesse C. Gilbert,	Thomas F. Hargis,	W. L. Vories—6.

Mr. Wm. Johnson then moved to amend said bill as follows, viz:

Section 1, line 4, strike out the words "or the company or persons owning or operating the same."

Which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration an engrossed bill, entitled

An act for the benefit of Levi Yocum, sheriff elect of Montgomery county.

The question was taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

Mr. Wm. Johnson moved the following resolution, viz:

Resolved, That the exclusive use of the Senate Chamber be granted to the Joint Committee on the Revision of the Statutes every evening (Saturday excepted), at three o'clock, P. M.

Which was adopted.

Mr. McManama read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the State Librarian is hereby requested to furnish to the Joint Committee on the Revision of the Statutes such stationery as will be required by them; and he shall also furnish to Commissioners Bullock and Nesbitt stationery and fuel hereafter, and not charge them for that which he has already furnished; and the Public Printer print such matter as the committee may order.

Which was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Casey—

1. A bill to incorporate the Tobacco Bank and Warehouse Company.

On motion of same—

2. A bill for the benefit of school district No. 19, in Kenton county.

On motion of Mr. Frazer—

3. A bill to amend the charter of the Guthrie City and Franklin Railroad Company.

On motion of Mr. Whitaker—

4. A bill for the benefit of the Maysville and Lexington Railroad, Northern Division.

On motion of Mr. Standiford—

5. A bill to authorize railroad companies incorporated by the laws of this Commonwealth to execute, issue, and sell their bonds, and to secure the payment thereof by executing mortgages upon their property, rights, and franchises.

On motion of Mr. Cooper—

6. A bill for the benefit of C. M. Hanks and H. D. Spradlin, of Wolfe county.

On motion of same—

7. A bill for the benefit of Farish Arnett, sheriff of Magoffin county.

On motion of Mr. Haydon—

8. A bill to amend the charter of Cecilian College, in Hardin county.

On motion of Mr. Pope—

9. A bill to provide that the act concerning corporations, approved March 10th, 1854, shall not apply to companies organized under the general corporation law.

On motion of same—

10. A bill to authorize the clerk of the Jefferson county court to qualify as administrator of Jacob and Honord Keller, deceased.

Ordered, That the Committee on Banks and Insurance prepare and bring in the 1st; the Committee on Education the 2d and 8th; the Committee on Railroads the 3d and 5th; the Committee on Finance the 4th and 7th; the Committee on Courts of Justice the 6th, and the Committee on the Judiciary the 9th and 10th.

And then the Senate adjourned.

SATURDAY, JANUARY 25, 1873.

In the absence of the regular Speaker, and at his request, Hon. Wm. Johnson took the Chair.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution, which originated in the Senate, entitled

Resolution in relation to the joint committee on the revision of the Statutes.

That they had passed a bill, which originated in the Senate, entitled

An act to provide for the erection and location of the Third Lunatic Asylum.

With sundry amendments thereto.

Which amendments were referred to the Committee on Charitable Institutions.

That they had passed bills of the following titles, viz:

1. An act for the benefit of Simon Humphreys, late sheriff of Nelson county, and his sureties.

2. An act for the benefit of John S. Humphreys.

3. An act to amend an act, entitled "An act for the benefit of Martin county," approved February 16th, 1872.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 2d were referred to the Committee on Finance, and the 3d was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Cockrill, Senator from the 29th district, appeared and took his seat.

Indefinite leave of absence was granted Messrs. Whitaker, Cooper, Burton, and Hargis.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, January 23, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

Timoleon Bradshaw, Adair county.
Z. T. Williams, Adair county.
H. M. Rucker, Bourbon county.
John B. Stivers, Bourbon county.
B. F. Graves, Fayette county.
Evan P. Graves, Fayette county.
J. Bev. Lewis, Green county.
Hugh J. Needham, Jefferson county.
James Burns, Jefferson county.
P. M. Rood, Jefferson county.
J. W. Twyman, Larue county.
Garrett S. Wall, Mason county.
R. M. Martin, Taylor county.
Thomas N. Easten, Jefferson county.
G. W. Hardacre, Jefferson county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to amend chapter 105 of the Revised Statutes, title "Weights and Measures."

By same—

A bill to amend the charter of the Tug Fork Lead, Iron, Salt, and Oil Mining and Manufacturing Company, approved 27th February, 1865.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill for the benefit of R. L. Ewell, clerk of the Laurel county court.

By Mr. Pope, from the Committee on the Judiciary—

A bill for the benefit of Charles M. Thruston, clerk of the Jefferson county court.

By same—

A bill to establish an assessor's agent for the further regulation and assessment of property in the city of Louisville, and the collection of taxes on the same.

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill for the benefit of W. E. Duncan, late sheriff of Warren county, and his sureties.

By Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice—

A bill to amend chapter 32, article 8, section 2, of the Revised Statutes.

By Mr. Holt, from the Committee on Courts of Justice—

A bill to regulate the time of holding circuit courts in the 15th judicial district.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

A bill to require the owners and managers of locks and dams to erect fish-ways.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last named was ordered to be printed, and made the special order of the day for Thursday, the 6th of February next, and all the rest were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to amend the charter of the Tygart Valley Iron Company.

By same—

An act to amend an act incorporating the Riverton Iron and Mining Company.

By same—

An act to amend an act, entitled "An act to incorporate the White Stone Quarry Company."

By same—

An act to amend the charter of the St. Bernard Coal Company.

By same—

An act for the benefit of the stockholders of the Washington County Agricultural Society.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to declare certain lakes and creeks in Ballard county navigable.

By same—

An act to authorize Bourbon county to build a court-house.

By same—

An act to legalize certain proceedings of the Garrard county court.

By Mr. Holt, from the Committee on Courts of Justice—

An act to authorize the county court of Pulaski county to sell grounds, levy taxes, and issue bonds to raise money to build a court-house.

By same—

An act for the benefit of the Garrard county court, and to vest them with certain powers.

By Mr. McManama, from the Committee on Courts of Justice—

An act to authorize the county court of Pendleton county to sell the poor-house property in said county, and reinvest proceeds of said sale.

By same—

An act for the benefit of Fleming county.

By Mr. Haggard, from the Committee on Internal Improvement—

An act to amend the charter of the Fox Run and Bullskin Turnpike Road Company, in Shelby county.

By same—

An act to authorize the sale of the Clark and Montgomery Turnpike Road, in Clark county.

By same—

An act for the benefit of the town of Georgetown.

By Mr. Pope, from the Committee on the Judiciary—

An act for the benefit of L. R. Thurman.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

An act to extend the time of the assessor of Harrison county for returning his assessment books.

By Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice—

An act to amend an act, entitled "An act creating the county of Josh Bell."

By Mr. Conklin, from the Committee on Revised Statutes and Codes of Practice—

An act for the benefit of Fleming county.

By same—

An act to repeal the 2d section of an act to amend chapter 3, article 1, section 825, of the Civil Code of Practice, approved February 22d, 1860.

By Mr. Pope, from the Committee on Banks and Insurance—

An act to incorporate the Riverton Savings Bank.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act amendatory of the charter of the town of Glasgow.

By Mr. Frazer, from the Committee on Banks and Insurance—

An act to incorporate the Merchants' Banking Company, of Caverna.

By Mr. Wm Johnson, from the Committee on the Judiciary—

An act for the benefit of Elizabeth M. Johnson.

By same—

An act for the benefit of John L. Farrar, of McCracken county.

With amendments to the last two named bills.

Which were adopted.

Ordered, That said bills, the last two as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Gilbert, from the Committee on Courts of Justice, to whom was referred a bill, which originated in the House of Representatives, entitled

An act authorizing the clerk of the Lewis county court to make out a new cross-index to deeds recorded in the clerk's office of the Lewis county court,

Reported the same with an amendment as a substitute therefor.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read,

An act to provide for indexing certain records of the circuit courts, criminal courts, chancery courts, courts of common pleas, and county courts.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Frankfort Coal and Lumber Company;

By Mr. McManama, from the Committee on Courts of Justice—

An act for the benefit of Lewis S. Lee, late sheriff of Ballard county;

By same—

An act for the benefit of Henry M. Shrodes, former justice of the peace of Ballard county;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Mr. Gilbert, from the Committee on Courts of Justice, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to change the time of holding courts in the 7th judicial district,

Reported the same without amendment.

Ordered, That said bill be placed in the orders of the day.

Mr. Holt, from the Committee on Courts of Justice, to whom had been referred a resolution, which originated in the House of Representatives, entitled

Resolution for the benefit of S. Hodge,

Reported the same without amendment.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of S. Hodge, of Crittenden county, for a

sum equal to the per diem of a member of this House from the 9th day of January, 1872, up to the 21st day of March, 1872, that being the length of time from the filing of his petition contesting the right of J. N. Woods to a seat on this floor, up to the decision of said contest by this House.

The question was then taken on concurring in the adoption of said resolution, and it was decided in the negative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Harrison Cockrill,	Jesse C. Gilbert,	John W. Johnson,
Wm. L. Conklin,	D. R. Haggard,	O. D. McManama,
William P. Duvall,	J. B. Haydon,	A. G. Talbott,
W. W. Frazer,	G. A. C. Holt,	Ben. J. Webb—13.
John J. Gatewood,		

Those who voted in the negative, were—

John S. Barlow,	J. H. Dorman,	William Johnson,
E. P. Campbell,	H. S. Hale,	Alfred T. Pope,
W. H. Chelf,	Edwin Hawes,	W. L. Vories—9.

So said resolution was rejected.

Mr. Vories then moved to reconsider the vote by which the Senate rejected said resolution.

Which motion was simply entered.

Mr. Hawes, from the Committee on Religion and Morals, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of John Ellis, of Barren county,

Reported the same, with the expression of opinion that said bill ought not to pass.

The question was then taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, and it was decided in the affirmative.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John Ellis is hereby empowered and privileged to vend ale and beer in the town of Glasgow without a license from the State of Kentucky or county and town so to do.

§ 2. This act shall take effect and be in force from the time of its passage.

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hawes and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, William P. Duvall, W. L. Vories—4.
Harrison Cockrill,

Those who voted in the negative, were—

Robert Boyd,	John J. Gatewood,	William Johnson,
E. P. Campbell,	D. R. Haggard,	O. D. McManama,
W. H. Chelf,	H. S. Hale,	Alfred T. Pope,
Wm. L. Conklin,	Edwin Hawes,	W. H. Sneed,
J. H. Dorman,	J. B. Haydon,	A. G. Talbott,
W. W. Frazer,	John W. Johnson,	Ben. J. Webb—18.

So said bill was disagreed to.

The Senate took up for consideration a resolution, which originated in the House of Representatives, entitled

Resolution concerning State Library.

Ordered, That said resolution be printed, and that the further consideration thereof be postponed till Tuesday next, the 28th inst.

The Senate also took up for consideration the amendment proposed by the House of Representatives to a resolution which originated in the Senate, entitled

Resolution in relation to the appointment of a clerk for the joint committee on the revision of the statutes.

Ordered, That said resolution and proposed amendment be placed in the orders of the day.

Leave was given to bring in the following bills, viz:

On motion of Mr. Gatewood—

1. A bill authorizing the purchase of the portrait of Hon. J. R. Underwood.

On motion of Mr. Campbell—

2. A bill to amend the charter of the city of Hopkinsville.

On motion of same—

3. A bill to charter the Hopkinsville Car Manufacturing Company.

On motion of Mr. Haggard—

4. A bill appropriating $200,000 to erect a lock and dam across the Cumberland river at or near the foot of Smith's Shoals.

On motion of Mr. Gilbert—

5. A bill to incorporate the Paducah and Tennessee Narrow-gauge Railroad.

Ordered, That the Committee on Claims prepare and bring in the 1st; the Committee on Revised Statutes and Codes of Practice the 2d and 3d; the Committee on Internal Improvement the 4th, and a

select committee, consisting of Messrs. Gilbert, Holt, and Hale, the 5th.

Mr. Wm. Johnson, from the Committee on the Judiciary, to whom had been referred the petition of John Scott, of Pike county, praying to be released from a judgment of the Franklin circuit court, asked to be discharged from the further consideration thereof.

Which was granted.

Ordered, That said petition be referred to the Committee on Finance.

And then the Senate adjourned.

MONDAY, JANUARY 27, 1873.

In the absence of the Speaker, Hon. Wm. Johnson was chosen as Speaker *pro tem.*

The following petitions were presented, viz:

By Mr. Martin—

1. The petition of sundry citizens of Prestonsburg, praying the passage of an act prohibiting the sale of spirituous liquors in said town.

By Mr. Hale—

2. The petition of sundry citizens of Columbus, praying the passage of an act changing the city limits of said city.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Religion and Morals, and the 2d to the Committee on the Judiciary.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Gilbert, from a select committee—

A bill to re-enact and amend the charter of the Paducah and Tennessee Railroad Company.

By Mr. Standiford, from the Committee on Internal Improvement—

A bill to amend the charter of the Louisville and Cane Run Turnpike Road Company.

By Mr. Pope, from the Committee on the Judiciary—

A bill for the benefit of licensed tavern-keepers.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Webb, from the Committee on Agriculture and Manufactures, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to incorporate the Winchester Building and Accumulating Fund Association, of Winchester,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the Committee on Internal Improvement, to whom they had been referred, viz:

By Mr. Haggard—

An act to incorporate the Harrodsburg and Baton Rouge Turnpike Road Company, in Mercer county.

By same—

An act to amend an act, entitled "An act to incorporate Munday's Landing and Harrodsburg Turnpike Road Company, in Mercer county."

By same—

An act in relation to roads in Breckinridge county.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On motion, indefinite leave of absence was granted to Mr. Fox.

The Senate, according to order, took up for consideration a bill, entitled

A bill amending an act approved March 9th, 1868, entitled "An act fixing the time for the election in this State of Representatives to the Congress of the United States."

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Talbott, from the Committee on Charitable Institutions, to whom were referred the amendments proposed by the House of Representatives to a bill which originated in the Senate, entitled

An act to provide for the location and erection of a Third Lunatic Asylum,

Reported the same, with the expression of opinion that said amendments should be concurred in.

On motion,

Ordered, That said bill and proposed amendments be printed, and made the special order of the day for Thursday next, the 30th inst.

Mr. Martin, from the Committee on Library and Public Buildings and Offices, asked to be discharged from the further consideration of a leave to bring in a bill, entitled

A bill for the benefit of the German Lutheran Church, of Falmouth.

Which was granted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Martin—

1. A bill to legalize the official acts of W. W. White, clerk of the Clay circuit court.

On motion of same—

2. A bill to incorporate the Tug River Coal Railroad Company.

On motion of same—

3. A bill for the benefit of James Turner, late sheriff of Perry county.

On motion of Mr. Conklin—

4. A bill to amend the law upon the subject of peddlers.

On motion of Mr. Dorman—

5. A bill to charter the Ohio River, Owenton, and Lexington Railway Company.

On motion of same—

6. A bill to charter the Dallasburg Cemetery Company.

On motion of same—

7. A bill to charter the Oakland Cemetery Company.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st; the Committee on Railroads the 2d and 5th; the Committee on Finance the 3d; the Committee on Revised Statutes and Codes of Practice the 4th, and the Committee on Charitable Institutions the 6th and 7th.

Mr. McManama, from the Committee on Enrollments, reported that the committee had examined an enrolled resolution, which originated in the Senate, of the following title, viz:

Resolution in relation to the joint committee on the revision of the Statutes;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to re-enact an act, entitled "An act to amend an act to incorporate the Bank of Union County;"

An act for the benefit of Wilson Morgan, collector of the revenue of Clay county, and his sureties;

An act for the benefit of Misses Virginia and Lizzie Smith;

An act to amend an act, entitled "An act authorizing the sale of certain alleys in the town of Winchester," approved February 19th, 1849;

An act to amend an act, entitled "An act to incorporate the German Insurance Bank," approved March 14th, 1872;

An act to amend an act, entitled "An act to incorporate the Christian County Bank," approved March 2d, 1872;

An act to amend an act, entitled "An act for the benefit of Martin county," approved February 16th, 1872;

And had found the same truly enrolled.

Said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. McManama reported that the committee had performed that duty.

And then the Senate adjourned.

TUESDAY, JANUARY 28, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing their disagreement to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of F. M. Roberts.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of William Bellis, jailer of Estill county.

An act to amend the city charter of Lexington.

That they had passed bills of the following titles, viz:

1. An act to exempt undertakers from serving on juries.

2. An act for the benefit of Margaret S. Lillard, guardian of Chas. K. Lillard.

3. An act for the benefit of William Green, of the county of Montgomery.

4. An act to repeal an act approved March 11th, 1871, declaring Roundstone creek, in Rockcastle county, a navigable stream.

5. An act for the benefit of James W. Hogg, late sheriff of Breathitt county.

6. An act for the benefit of Wm. H. Fitzpatrick, sheriff of Floyd county for the years 1871 and 1872.

7. An act in relation to the town of South Carrollton.

8. An act for the benefit of Charles Kirtley, assignee of James M. Durham, of Rockcastle county.

9. An act for the benefit of Isaac N. Webb, jailer of Harrison county.

10. An act for the benefit of R. H. Morrow, sheriff of Gallatin county.

11. An act for the benefit of Levi Jones, of Greenup county.

12. An act for the benefit of Emily S. Tucker, an idiot of Wayne county.

13 An act for the benefit of Marcus Devary, of Clark county.

14. An act for the benefit of W. M. Gray, of Trigg county.

15. An act for the benefit of R. W. Williams, of Christian county.

16. An act for the benefit of James Ficklin, sheriff of Bath county.

17. An act for the benefit of S. Cardwell and Daniel Moore, of Mercer county.

18. An act for the benefit of W. H. Jefferson, jailer of Trigg county.

19. An act for the benefit of T. B. Jefferson, of Trigg county.

20. An act for the benefit of Stephen Nethercutt, of Carter county.

21. An act for the benefit of M. S. Napier.

22. An act for the benefit of A. W. Dudley and D. M. Bowen, citizens of Franklin county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 7th to the Committee on Revised Statutes and Codes of Practice; the 2d, 3d, 5th, 6th, 10th, and 16th to the Committee on Finance; the 4th to the Committee on Propositions and Grievances; the 8th, 9th, 12th, 13th, 15th, 17th, 20th, 21st, and 22d to the Committee on Claims; the 11th to the Committee on the Judiciary, and the 14th, 18th, and 19th to the Committee on Courts of Justice.

On motion, indefinite leave of absence was granted to Mr. Clay.

Mr. Gatewood, from the Committee on Education, to whom had been referred a bill, entitled

A bill for the benefit of the public schools of Louisville,

Reported the same with an amendment.

Which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Conklin from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend the revenue laws of this Commonwealth,

Reported the same without amendment.

Ordered, That the further consideration of said bill be postponed, and made the special order of the day for Friday next, 31st inst.

Mr. Conklin, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of F. G. Bybee, late marshal of Glasgow,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

A bill to amend an act incorporating the town of Greensburg.

By Mr. Pope, from the Committee on the Judiciary—

A bill to change the boundary line of the city of Columbus.

By Mr. Talbott, from the Committee on Railroads—

A bill for the benefit of, and to reincorporate, the Norton Iron Works.

By Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice—

A bill to incorporate the Hopkinsville Car Manufacturing Company.

By Mr. Standiford, from the Committee on Internal Improvement—

A bill to authorize the Louisville Club of the city of Louisville to change its name to the Beargrass Club.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice, reported a bill, entitled

A bill for the benefit and relief of persons who have paid tax on income from United States bonds, imposed by an act passed and approved March 8th, 1867.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, An act was passed and approved March 8th, 1867, entitled "An act to tax income on United States bonds;" and by said act a tax of five (5) per cent. was imposed on income derived from United States bonds against all tax-payers owning and deriving income from United States bonds in this State; and whereas, said tax so imposed and collected was assessed and collected as a separate tax, and the records of the Auditor's office will show a complete list of the names of all persons from whom said tax was collected, and the amount paid by each tax-payer; and whereas, the Court of Appeals of this State, in the case of the Bank of Kentucky against the Commonwealth, decided and declared said act of March 8th, 1867, illegal and unconstitutional; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all taxes assessed and collected of tax-payers in this State, under said act of March 8th, 1867, and entitled "An act to tax income on United States bonds," shall be refunded and paid back to each and every person from whom the same was collected; and the Auditor of Public Accounts is hereby directed, upon the presentation to him of the tax receipts, or other satisfactory evidence showing the payment of said tax under said act of March 8th, 1867, by any person from whom said tax was collected, shall draw his warrant upon the Treasurer in favor of such person for the amount of tax so paid, and in conformity to, and corresponding with, the name of such person, and amount of tax paid by such person, as shown and evidenced by the records of the Auditor's office; or in case of the death of any person from whom said tax was collected, the warrant shall be drawn by the Auditor in favor of the personal representatives of such deceased person, and which warrant shall be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That said act, passed and approved March 8th, 1867, and entitled "An act to tax income on United States bonds," be, and the same is hereby, repealed.

§ 3. This act shall take effect and be in force from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	William Johnson,
E. P. Campbell,	D. R. Haggard,	A. L. Martin,
W. H. Chelf,	H. S. Hale,	W. H. Sneed,
Harrison Cockrill,	Edwin Hawes,	E. D. Standiford,
Wm. L. Conklin,	J. B. Haydon,	A. G. Talbott,
William P. Duvall,	G. A. C. Holt,	W. L. Vories,
W. W. Frazer,	John W. Johnson,	Ben. J. Webb—22.
John J. Gatewood,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Hale, from the Committee on Finance—

An act to tax pawnbrokers.

By Mr. Vories, from the Committee on Finance—

An act for the benefit of John S. Humphreys.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

An act to incorporate the Webster County Chalybeate and Sulphur Springs Company.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill, entitled

A bill to change the manner of collecting the delinquent taxes in the State of Kentucky.

Said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate also took up for consideration a resolution, entitled

Resolution concerning State Library.

Said resolution was amended.

The question was then taken on the adoption of said resolution as amended, and it was decided in the affirmative.

Leave was given to bring in the following bills, viz:

On motion of Mr. Gatewood—

1. A bill to amend section 16, chapter 495, of an act, entitled "An act to amend an act to incorporate the town of Smith's Grove."

On motion of Mr. Cockrill—

2. A bill to change the name of Grant Beaty, of Lee county, to that of Jefferson Davis Beaty.

On motion of same—

3. A bill for the benefit of the sureties of A. C. Bowman, late sheriff of Breathitt county.

On motion of Mr. Conklin—

4. A bill to amend chapter 84 of the Revised Statutes, title "Roads and Passways."

On motion of Mr. Standiford—

5. A bill for the benefit of the incorporated banks of Kentucky.

On motion of Mr. Vories—

6. A bill to incorporate the Deposit Bank of Lagrange.

On motion of Mr. Prichard—

7. A bill to declare Upper Tevin branch, in Lawrence county, a navigable stream.

Ordered, That the Committee on Revised Statutes and Codes of Practice prepare and bring in the 1st and 4th; the Committee on Finance the 3d; the Committee on Propositions and Grievances the 2d; the Committee on Banks and Insurance the 5th and 6th, and the Committee on Courts of Justice the 7th.

The following petitions were presented, viz:

By Mr. Haggard—

1. The petition of the trustees of Alexander College, in Cumberland county, praying an amendment to the charter of said college.

By same—

2. The petition of A. H. Kinninmouth, praying the passage of an act for his benefit, compensating him for keeping a pauper lunatic.

By Mr. Prichard—

3. The petition of sundry citizens of Lawrence county, praying the passage of an act declaring Upper Tevin branch, in said county, a navigable stream.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Education; the 2d to the Committee on Claims, and the 3d to the Committee on Courts of Justice.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz:

An act to amend the city charter of Lexington;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Fleming county;

An act to legalize certain proceedings of the Garrard county court;

An act to extend the time of the assessor of Harrison county for returning his assessment books;

An act to repeal the 2d section of an act to amend chapter 3, article 1, section 825, of the Civil Code of Practice, approved February 22d, 1860;

An act to amend the charter of the Tygart Valley Iron Company;

An act to amend an act incorporating the Riverton Iron and Mining Company;

An act amendatory of the charter of the town of Glasgow;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

WEDNESDAY, JANUARY 29, 1873.

Hon. John G. Carlisle presiding.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to a bill, which originated in the House of Representatives, entitled.

An act for the benefit of John L. Farrar, of McCracken county.

That they had disagreed to the passage of a bill, which originated in the Senate, of the following title, viz:

An act to amend the charter of the town of Fitchburg, in Estill county.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Salem Church, in Cumberland county.

An act to prohibit the sale of ardent, vinous, malt, spirituous, or intoxicating liquors, or the mixture thereof, in the county of Breathitt.

That they had passed bills of the following titles, viz:

1. An act to exempt prescription druggists from serving on juries.

2. An act to amend an act, entitled "An act to incorporate the Shelbyville Cemetery Company, approved March 1st, 1854.

3. An act for the benefit of Eli H. Murray.

4. An act to amend the law in relation to porters for the public offices.

5. An act to amend an act to require the clerk of the Louisville chancery court to make a cross-index to suits and cross-suits, and continue the same," approved March 2d, 1872.

6. An act to prohibit the sale of ardent spirits in Lee county.

7. An act to prohibit the sale of spirituous, vinous, or malt liquors in Glasgow Junction precinct, in Barren county.

8. An act to prevent the sale of spirituous liquors near Harmony Church, in Garrard county.

9. An act for the benefit of the German Evangelical St. Paul Church, of Paducah.

10. An act to prohibit the sale of spirituous, vinous, or malt liquors in the Clintonville precinct, of Bourbon county.

11. An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Pleasant Grove Church or school-house, at the fork of Stinson creek, in Carter county.

12. An act to prohibit the sale of spirituous liquors in the town of Powersville, Bracken county.

13. An act to prohibit the sale of ardent spirits in Headquarters, Nicholas county.

14. An act to amend an act, entitled "An act for the benefit of common schools in Clinton county, and the act amending the same."

15. An act for the benefit of school districts Nos. 10 and 47, in Jefferson county.

16. An act for the benefit of various school districts in Hancock county.

17. An act to amend an act, and the amendments thereto, incorporating the school board of the city of Covington.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Revised Statutes and Codes of Practice; the 2d to the Committee on Charitable Institutions; the 3d to the Committee on the Judiciary; the 4th to the Committee on Library and Public Buildings and Offices; the 5th to the Committee on Courts of Justice; the 6th, 7th, 8th, 9th, 10th, 11th, 12th, and 13th to the Committee on Religion and Morals, and the 14th, 15th, 16th, and 17th to the Committee on Education.

Mr. John W. Johnson presented the petition of sundry citizens of McLean county, praying the passage of an act prohibiting the sale of intoxicating liquors at, or within two miles of, Island Station.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, January 29, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

J. W. Batchelor, Jefferson county.
J. H. Huber, Jefferson county.
J. J. Alnutt, Jefferson county.
John W. Root, Jefferson county.
R. J. Reckeny, Jefferson county.
Wm. Herndon, Knox county.
O. L. Bradley, Fayette county.
James D. Smith, Laurel county.
A. D. Noel, Kenton county.
W. B. Wilson, Henry county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

A message was also received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to repeal an act, entitled "An act for the protection of sheep in the counties of Gallatin, Nicholas, and Fleming," approved March 9th, 1872.

An act to amend section 82 of the Civil Code of Practice.

An act to amend section 328 of the Civil Code of Practice.

An act to amend an act, entitled "An act to amend the charter of the Owenton and Ross Mill Turnpike Road Company."

An act to amend the charter of the Bardstown and Green River Turnpike Road Company.

An act in relation to the Louisville Daily Ledger and the Louisville Weekly Ledger, newspapers published in the city of Louisville.

An act to amend the charter of the city of Lexington.

Resolution in relation to the joint committee on the revision of the Statutes.

The Senate, according to order, took up for consideration a bill, entitled

A bill to amend an act to incorporate the Cumberland and Ohio Railroad Company.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the respective county courts

of the counties, or districts of counties, that have issued, or may hereafter issue, bonds in payment of subscriptions to the capital stock of the Cumberland and Ohio Railroad Company, annually, at the April or May term of said court, to levy a tax on the property of said county or district of county, subject to taxation for revenue purposes, sufficient to pay one year's interest on said bonds: *Provided*, That if, from any cause, such tax shall not be levied in said months, the same may be levied at any subsequent term of said court; and the county judge shall serve under this act, and shall be liable for any damages resulting from such delay in making the levy.

§ 2. That it shall be the duty of the sheriff or other person collecting the State revenue, in each county or district of county in which a tax shall be levied for the purpose mentioned in the foregoing section, to collect said tax, and, after the first day of June in each year, to pay over the same to the Sinking Fund Commissioners for his county or district, in monthly installments of not less than one ninth of the whole amount of such tax levied in any one year; and upon his failure to collect or to pay over such tax as required herein, he and his sureties on his official bond shall be liable for the same, and ten per cent. thereon, to be recovered on motion in the county court of his county by the said Sinking Fund Commissioners or any holder of a bond of such county or district, ten days' notice of such motion having been first given: *Provided, however*, That if the county court shall appoint a special collector of said tax other than the sheriff, and such appointee shall, at the term of his appointment, appear in open court and execute, with good and sufficient sureties, a bond to the Sinking Fund Commissioners of such county or district for the faithful collection and payment of said tax, then the sheriff shall not be required to collect the said tax for that year; and said special collector shall have the same power, and he and his sureties shall be liable to the same extent and in the same manner, as sheriffs.

§ 3. That the sheriff or other collector who may collect such tax shall receive such compensation therefor as the county court may allow, not exceeding five per cent. on the amount collected.

§ 4. That if the county court of any county, or district of county, in which a tax may be levied, as provided in the first section of this act, shall fail to appoint Sinking Fund Commissioners for such county or district, as required by an act to amend the charter of said company, approved February 24th, 1872, or if the persons he may appoint refuse or fail to act, then the sheriff or special collector for such county or district shall pay out and invest the taxes by him collected in the same manner that the Sinking Fund Commissioners are required by said amendatory act to pay out and invest the same.

§ 5. That the Cumberland and Ohio Railroad Company is hereby authorized and empowered to issue and sell mortgage bonds to any amount, not exceeding twenty thousand dollars per mile, for each mile of road to be constructed or owned or operated by said company, to bear not more than eight per cent. interest per annum.

§ 6. That this act shall take effect from and after its passage.

Mr. Chelf then moved to amend said bill as follows, viz:

Strike out the third section of the bill, and insert in lieu thereof the following: "That the sheriff or other collector who may collect, or who may have collected such tax, shall receive such compensation therefor as the county court may allow, not exceeding five per cent. on the amount collected."

Which was adopted.

Mr. Chelf then moved to further amend said bill by adding thereto the following additional section, viz:

The president and directors of said company are authorized to change, if they see proper, the name of said railroad company: *Provided*, That before any such change shall be binding, it shall be approved by a majority of the stockholders.

Which was adopted.

Mr. Barlow then moved to amend the 5th section of the bill by adding thereto the following proviso: "*Provided*, That the provisions of this bill shall not apply to the county of Barren."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Chelf and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. McAfee,
E. P. Campbell,	Edwin Hawes,	O. D. McManama,
G. W. Connor,	G. A. C. Holt,	K. F. Prichard,
John E. Cooper,	Wm. Johnson,	W. L. Vories—14.
W. McKee Fox,	A. L. Martin,	

Those who voted in the negative, were—

Robert Boyd,	William P. Duvall,	J. B. Haydon,
James B. Casey,	W. W. Frazer,	John W. Johnson,
W. H. Chelf,	John J. Gatewood,	W. H. Sneed,
James F. Clay,	D. R. Haggard,	A. G. Talbott,
Wm. L. Conklin,	H. S. Hale,	Ben. J. Webb—16.
J. H. Dorman,		

Mr. Vories then moved to amend the bill by adding the following proviso to the last section of the bill, viz:

Provided, That no court shall be compelled to issue bonds, unless the directors of said railroad company comply with the conditions upon which the vote was submitted ordering such subscription.

Which was adopted.

Mr. Prichard then moved to amend said bill by adding thereto the following proviso, viz:

Provided, That nothing in this act shall have the effect to prevent any county which may have issued, or may issue bonds in aid of said

railroad, to make any defense at law or equity against the collection of said tax which existed at the date of the passage of this act.

Which was adopted.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate also took up for consideration a bill, entitled

A bill to establish the Superior Court.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established a court, to be styled the "Superior Court," which shall have appellate jurisdiction only, which shall be coextensive with the State. Said court shall have exclusive appellate jurisdiction of the judgments and final orders of all inferior courts on the appointment and removal of guardians, the settlements of the accounts of fiduciaries, the partition of land, the allotment of dower, the establishment, alteration, or discontinuance of ferries, mills and dams, roads and passways, inquisitions of forcible entry or detainer, or for appropriating private property to public use, except where otherwise directed by law; in cases of bastardy, in actions or proceedings for the recovery of money or personal property where the matter in controversy is not less than fifty dollars and does not exceed five hundred dollars in value; except where the judgment or order is by the quarterly court, police court, city or mayor's court, or justices' court, and an appeal is given to the quarterly or circuit court.

§ 2. The costs are not to be included in estimating the value necessary to give jurisdiction to said court.

§ 3. An error of the appellant in having appealed to the Superior Court or Court of Appeals, shall not cause the dismissal of the appeal, but said appeal shall be transferred to the proper court.

§ 4. The Superior Court shall hold its sessions at the seat of government.

§ 5. Said court shall consist of three judges, who shall, by virtue of their offices, be conservators of the peace throughout the State. The Governor shall nominate, by and with the advice of the Senate, three persons as judges of said court, any two of whom shall constitute a quorum for the transaction of business. They shall hold their office for the term of six years, and until their successors be duly qualified.

§ 6. Whenever any of the judges, from any cause, fail to attend, or, if in attendance, cannot properly preside on the trial of a cause or causes pending in said court, the Governor shall select a judge or judges from the members of the bar to act with the other judge or judges, as the court; and the court so organized may meet and adjourn from day to day, until it disposes of its business.

§ 7. If any of the special judges, so selected, refuse or fail to act, the vacancy may be supplied in like manner.

§ 8. When it becomes necessary to select judges, as provided in the preceding sections, the court shall make any entry of the fact on its record, and cause a copy of it to be delivered to the Governor, who shall, thereupon, select and commission special judges for the occasion, and cause their commissions to be delivered to them; and the clerk shall notify the persons selected of the time fixed for the holding of said court.

§ 9. The parties may select the judges provided for in the preceding sections, or permit any one of the judges of the Superior Court to make the selection; and the judges so selected may proceed to act without commissions.

§ 10. Every judge of the Superior Court, and every special judge of said court, before he enters on the discharge of his duties, must, in addition to the oaths prescribed by the Constitution, take the following oath:

I, A B, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and I will faithfully and impartially discharge all the duties incumbent on me as a judge of the Superior Court, according to the best of my ability.

§ 11. The commissions of judges, the selection of temporary judges, the reason for such selection, and the fact that the requisite oaths have been taken, must be entered on the order-book of the court.

§ 12. Vacancies in the office of judge of said court shall be filled by the Governor, by and with the advice and consent of the Senate.

§ 13. No suit, process, matter, or thing, returned to or pending in said court, shall be discontinued, although a quorum of judges may fail to attend at the commencement, or on any other day of a term.

§ 14. The summons and process, and mode of proceeding in said court, shall be the same as now established in the Court of Appeals, until abolished by rule or order of this court.

§ 15. If, for any cause, the court does not sit on any day of a term, the court shall not be thereby adjourned, but may meet again, and proceed to business on any other day prior to the next succeeding term.

§ 16. The court may adjourn from time to time, to suit its convenience, not beyond the commencement of the next regular term; and if, for any cause, a quorum be not present, the judge in attendance may so adjourn. The period of such adjournment shall not be computed, under the rules of the court, a part of the term.

§ 17. All process issued from the court shall bear test in the name of the clerk.

§ 18. The court shall annually hold two terms, commencing on the first Mondays in June and December, and shall sit so long as the business of the court requires.

§ 19. The Clerk of the Court of Appeals shall be the clerk of the Superior Court, and shall receive for his services the same fees allowed the Clerk of the Court of Appeals for similar services, which

may be collected in the same manner. He shall enter the judgments of the Superior Court in full, for which he shall be entitled to receive the same fees allowed clerks of county courts for copying a record, which shall be taxed as other costs He shall keep an index and cross-index to said judgment-book: *Provided*, *however*, That it shall be unlawful for the clerk to practice in this court, or to take any fee or compensation for services rendered or to be rendered in causes pending in said court, and if he does so, he shall forfeit his office.

§ 20. The provisions of title XVIII, of the Civil Code of Practice, so far as applicable, shall apply to the Superior Court.

§ 21. Apeals from the judgment or final order of the Superior Court to the Court of Appeals shall be granted as a matter of right, in all cases, except for the recovery of money or personal property, where the matter in controversy is less than three hundred dollars in value. But no appeal shall be granted to the Court of Appeals after sixty days from the rendering the judgment or final order, or overruling a petition for a rehearing in the Superior Court.

§ 22. When an appeal is granted to the Court of Appeals, it shall be the duty of the clerk of the Superior Court to file in the office of the clerk of the Court of Appeals the original transcript, together with certified copies of all orders and decisions of the Superior Court, and the taxation of costs in said court.

§ 23. The decision and mandate of the Court of Appeals shall be certified to the court from which the appeal was originally taken to the Superior Court, and execution *fieri facias* shall issue from the Court of Appeals for the costs in both courts.

§ 24. The judges shall each receive an annual salary in amount equal to the salary of the Judges of the Court of Appeals, and to be paid in the same manner.

§ 25. A sergeant shall be appointed by the court, and all laws in relation to the duties, fees, qualification, term of office, power, and liabilities of the sergeant of the Court of Appeals, shall apply to the sergeant of the Superior Court.

§ 26. For any reasonable cause the Governor shall remove any of the judges of the said court, on the address of two thirds of each House of the General Assembly: *Provided*, *however*, That the cause or causes for which such removal may be required, shall be stated at length in such address, and on the Journal of each House.

§ 27. This act shall take effect and be in force from and after its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

James B. Casey,	G. A. C. Holt,	Alfred T. Pope,
J. H. Dorman,	William Johnson,	W. L. Vories,
W. McKee Fox,	A. L. Martin,	Ben. J. Webb—9.

Those who voted in the negative, were—

John S. Barlow,	John E. Cooper,	Thomas F. Hargis,
Robert Boyd,	William P. Duvall,	Edwin Hawes,
E. P. Campbell,	W. W. Frazer,	J. B. Haydon,
W. H. Chelf,	John J. Gatewood,	John W. Johnson,
James F. Clay,	Jesse C. Gilbert,	A. L. McAfee,
Harrison Cockrill,	D. R. Haggard,	W. H. Sneed,
Wm. L. Conklin,	H. S. Hale,	A. G. Talbott—21.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to declare Upper Twin Branch, in Lawrence county, a navigable stream.

By Mr. Hargis, from the Committee on the Judiciary—

A bill to amend an act, entitled "An act to amend an act incorporating the town of Calvert City, in Marshall county."

By same—

A bill to amend the charter of the town of Carlisle, in Nicholas county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill for the benefit of E. W. Hughes, of Logan county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Holt, from the Committee on Courts of Justice—

An act for the benefit of W. M. Gray, of Trigg county.

By same—

An act for the benefit of W. H. Jefferson, jailer of Trigg county.

By same—

An act for the benefit of Dr. T. B. Jefferson, of Trigg county.

By Mr. Haggard, from the Committee on Internal Improvement—

An act to incorporate the Nevada and Dixville Turnpike Road Company, in Mercer county.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McManama, from the joint committee on the removal of the Capital, made a report thereon.

Mr. Sneed, from same committee, made a minority report on same subject.

Said reports read as follows, viz:

To the General Assembly of Kentucky:

The undersigned, joint committee, instructed by a resolution, passed by your honorable body, to inquire into the title by which the Commonwealth holds the real estate in the city of Frankfort on which the public buildings have been erected, and also as to the advisability of removing the Capital of the State from said city, would respectfully report as follows:

THE TITLE

Of the State to the lot on which the Governor's Mansion is erected, and the three other lots connected therewith, seems to your committee to be a perfect fee-simple title, conveyed by deeds of general warranty, and on good and sufficient consideration.

The Penitentiary is built on several lots conveyed in 1798 by Harry Innis to the State, on valuable consideration and in fee-simple.

The lots composing the "Capitol Square" were conveyed, six of them by Andrew Holmes, June 2d, 1794, and two of them by James Wilkerson about the same time. These deeds were made on a valuable consideration, and the conveyance was in fee-simple, and with general warranty.

On the face of the deeds your commtttee unhesitatingly express the opinion that the title of the State to all the said property is perfect, and that there is no possibility of a reverter to the vendors of the State.

Nor does the fact that contemporary history and acts of the General Assembly show that it was the purpose of the State, and of such vendors, to locate the Capital of the State at the city of Frankfort, affect our views on that subject. Your committee believe that the said Andrew Holmes and James Wilkerson have no heirs now interested in the removal of the Capital of Kentucky.

And they also believe that all the force there is in the suggestion of a reversion of said property to the vendors of the State, exhausts itself in the idea that the facts connected with the original transactions would give plausibility to *an appeal by the heirs of the vendors to the Legislature for some indemnity for any injury sustained by them* by reason of a removal of the Capital.

REMOVAL OF THE CAPITAL.

On the question of the expediency of removing the Capital from this city we beg to report, that we have carefully considered the subject, and we think it not only expedient, but highly important to the State, to do so; and lest this conclusion may be thought lightly formed, we will state to the General Assembly the following as some of the reasons impelling us to it.

It is not thought possible that the great State of Kentucky, with its vast wealth, its one million and a half of population, and its many more inviting localities, can or will consent for all time to come, or for any considerable length of time, to permit Frankfort, with its situation and topographical features, to be the Capital city of the State. That the present is a favorable juncture for the removal of the Capital cannot be doubted by those who think that the State finances are in a good condition, and that the State House and Governor's Mansion are the reproaches that they are to the advanced and liberal requirements of our people.

It cannot be because on a neighboring hill of no little picturesque beauty there repose the ashes of such honored dead as Boone, Shelby, and others, that therefore the Capital of the State should remain near their graves. That would be a devotion to an idea, a superstition, if you please, out of place in this utilitarian age.

A large outlay must of necessity soon be made (see the message of His Excellency the Governor, only a few days ago read to us) to erect a new Capitol and other buildings, and there are many reasons that induce us to believe that such edifices could be much more cheaply erected elsewhere than here; and unless it be that the peo-

ple of the State, for all future time, will consent to permit their Capital to remain here, it will in every way cost as little to remove or change it now as at any time.

It will certainly cost something either to erect creditable buildings here or elsewhere, and of course it will cost something to remove the Capital; but your committee do not believe that the State should hesitate to incur the additional cost of providing all the necessary buildings elsewhere over what it would cost to erect them here.

Very naturally the citizens of Frankfort desire to retain the Capital; but perhaps *no stranger* ever visits the city without wondering at the fatuity of the people in their original choice of a Seat of Government, and not less so at their not removing it

The great object had in view, doubtless, by the people, in making the selection, if indeed they could have had any object in selecting so unprepossessing a site, must have been to remove the Seat of Government from the supposed corrupting influences of the larger cities, choosing a location where it seemed impossible to extend a large city in any direction.

Unhappily it has been the lament of all ages that our humanity had a corrupt side; but the zeal of corrupt men in pursuit of a venal object is not to be evaded by secluding the Seat of Government, or the legislative body which they propose to attack, in the rural districts, even though such chosen retreat be environed by hills ten-fold as high as those which surround the Capital of your State. Vice is penetrating; it entered even the Garden of Eden.

In this age of railroads and other means of rapid transit, the distance of the Capital from the chief cities of the State presents no barrier to the corruptionist, while it does prevent the countercharge of better influences; for it is lamentably true, that while a well-organized body of shrewd lobbyists may, day by day, ply their trade in behalf of any corrupt or wrongful scheme, good men will not take the trouble to come to the remote Capital city to counteract them. But in a great city, where, amidst much vice, there generally exist the highest types of all the virtues and the better moral influences, these last, if the Capital were near by, would combine and defeat many a corrupt scheme.

That Capitals situate remote from the metropolis of a State are not less corrupt than those located in such metropolitan cities, is shown abundantly by the history of this Union.

Take, for instance, the great States of New York and Pennsylvania. They adopted the same plan as was pursued by Kentucky, and if common fame justly accuses them, their Legislatures have not been less purchasable than if they sat in New York or Philadelphia. (Indeed, if a man desires to be corrupt, he can and will be so anywhere.) Are those Legislatures of the two States named less corrupt than that sitting in Boston, in the State of Massachusetts? Notoriously they are not so. Whoever heard of corruption in the Massachusetts Legislature; who recently has failed to hear of it at Albany and Harrisburg?

New York City and Philadelphia conceive the villainy which is legalized at the remote Capitals of their States, without the opposition those cities would make.

In all the great States of Europe we see the policy of Massachusetts pursued, rather than that of New York and Pennsylvania. Great Britain has its London, and the immense affairs of government conducted there are doubtless carried on with less corruption than if elsewhere in the Kingdom. Paris, the gay and frivolous but magnificent Capital of Fashion and Amusement, has ever been France. In Berlin is concentrated all the power and energy of the modern Teutonic races. In Asia we have the same practice for observation; and even in classic times the same rule prevailed.

Athens and Rome furnish evidence in all their history that it is not the great extent and population of the Capital that is dangerous to the State, but the licentious immorality of her people that is so.

Philosophically, there can be no objections to a large city as the Seat of Government that do not apply with equal force to a smaller one; and there are many that apply to the latter that do not apply to the former.

In a large city we have society in all its antipodal features. The lowest vices, but the highest virtues; the grossest ignorance, but the greatest learning; squalid poverty, but the most envious opulence; and it is there that an alert press, with its argus eyes, exists in the highest perfection. The latter can and will see at all times the delinquencies of the government, and expose them. It will see the vices of legislators and lay them before the public. This is not always, nor, indeed, generally done, where the Capital is situated in remote and unimportant places.

In the city, when lobbyists would seduce the rural legislator into the support of plausible acts, beneath whose clean-cut verbiage there

lurked some dangerous scheme, *then* that learning, those virtues, that wealth, and a vigilant press of the city, could, and perhaps generally would, prevent their adoption.

We respectfully ask for leave to bring in a bill for the removal of the Seat of Government.

O. D. McMANAMA,
Chairman Joint Committee.
W. W. BALDWIN,
WALTER EVANS.

MINORITY REPORT.

To the General Assembly of Kentucky:

We, the undersigned, of the committee appointed by your honorable body to investigate the title by which the State holds the real estate in the city of Frankfort on which the public buildings have been erected, and what conditions, if any, are contained in the deeds to the State, and to inquire and report as to the expediency and propriety of a removal of the Seat of Government of the State, respectfully submit the following, viz:

As to the title of the State, we are forced to report that we have not been able to give to this question that intelligent and careful consideration its importance demands, because of the difficulty attending an examination of the records containing the title-deeds, some of them being in Woodford county court, coupled with the disposition of the committee to accommodate one of our number, who, from personal considerations, desires, within a few days, to absent himself for the remainder of this session.

Your committee have not had before them the title-deeds embracing the grounds upon which the public buildings have been erected; but the report of the majority, as well as our report, is based upon information given us by others who professed to have in their possession the proper data, showing the title of the State. While we agree with the majority of the committee that the title to the public grounds (according to the best information we have obtained) is that of general warranty, and for a *nominal* but not a valuable consideration on their face, yet, with due respect to the legal ability and legal opinion of gentlemen of the majority report, we must combat the idea that this fact precludes any possibility of a reverter to the grantors or their heirs, in the event of a removal of the Seat of Government.

Gentlemen have overlooked that well-settled principle, that though a deed may bear upon its face evidence of a valuable considera tion, such as "one cent in hand paid, the receipt whereof is hereby acknowledged," yet this fact does not preclude the grantor from establishing the fact, even by parol evidence, that this was the mere nominal consideration, while the real consideration was one or ten thousand dollars, as evidenced by the notes of the grantee in the pocket of the grantor at the time of the execution and delivery of the deed. They have also overlooked that other well-settled princi- ple of law, that the intention of the parties to a conveyance is not always apparent upon the face of the instrument, but must be de- duced from its general terms, the nature of the contract, and the presumed intention of the parties. (*See Hutchings vs. Moore, 4th Met- calfe's Reports, page* 112.) They have also overlooked a well-defined principle of law, that the consideration of any deed may be im- peached or denied by plea verified by oath. The honorable gentle- men have also forgotten that other well-settled and adjudicated prin- ciple, that the intention of the parties to any contract may be presumed by the circumstances surrounding them at the time. For instance, as where a subscription made to a railroad, upon the condi- tion that the road should be so *located* and *constructed* as to make a certain town a point in said road, it has been held by our own Court of Appeals that the location of the road on the route designated was a condition precedent. (*See case of McMillan vs. M. & L. Railroad Company, 15th B. Monroe, page* 218.)

Not to pursue this subject further, we will take it for granted, for the sake of the argument, that the deeds to the State of the public grounds contain clauses of general warranty, and that the consid- eration set forth is respectively one, two, three, and five pounds (for such is the fact, so far as we are advised), and that these deeds do not contain any clause of reversion: what follows? In view of the decisions hereinbefore referred to, in the cases to be found in *4th Metcalfe, page* 118, and the case in *15th B. Monroe, page* 218, where the consideration is merely a nominal one, in conveyances of real estate of considerable intrinsic value, the nature of the contract, the terms, whether on condition precedent or not, must be determined by the presumed intention of the parties, viewed by their surround- ings at the time of its execution.

We hold that the real consideration for these conveyances to the State, by individuals, was the pledge of the *public faith*, through the

authorized agents of the State (the five Commissioners selected by the House of Representatives to fix upon a *permanent* site for the Seat of Government), that the Seat of Government should be *permanently* located at Frankfort, and that this was the *real* inducement operating upon the minds of the grantors when they surrendered and conveyed their landed and personal property to the State for public uses.

Another principle well established, bearing upon this point, has been overlooked by the honorable gentlemen making the adverse report, viz: that property conveyed for a mere nominal consideration, for public uses, reverts by operation of law to the grantors or their heirs, whenever the same is abandoned or diverted from its original purpose. (See various decisions of our Court of Appeals touching this subject.) The State, through her Representatives in legislative session assembled, selected five persons to determine the vexed question of location *permanently* of the Seat of Government. These Commissioners were directed by resolution (see Journals of the House of Representatives, fall session, 1792) to accept the best proposals that were made, in a moneyed point of view, as a *bonus* for this coveted honor, and to enter into contracts, pledging the public faith, with those parties whose proposition and donations should be accepted by them (the Commissioners). The following extracts from the Journals of 1792 show that the said Commissioners did accept the proposals of Holmes, Innis, Wilkerson, and others, upon a condition *precedent:*

"The House then proceeded to take into consideration the proceedings of the Commissioners appointed to fix on the place for the *permanent* Seat of Government.

"Whereupon, the same were read, and then ordered to be entered at large on the Journal of this House, which are as follows:

"LEXINGTON, August the 6th, 1792.

"Robert Todd, Thomas Kennedy, John Allen, and Henry Lee, Esquires, four of the Commissioners appointed at the last session of Assembly, pursuant to the tenth article of the Constitution of this State, to fix on the place for the Seat of Government, convened at the house of Love & Brent, pursuant to notice given in the Kentucky Gazette, and being qualified as the Constitution directs, appointed Levi Todd Clerk of the Board, who took an oath for the due discharge of his duty.

"On motion, Thomas Kennedy, Esquire, is appointed Chairman to this Board.

"A proposal from James Legerwood and others, offering land in Legerwood's Bend, with a subscription accompanying the same, was presented and read.

"A tract of land adjoining Delany's Ferry, was proposed as a proper place to fix the Seat of Government.

"The Board then adjourned until to-morrow ten o'clock, to meet at this place."

"TUESDAY, August 7th, 1792.

"The Commissioners met according to adjournment, John Edwards, Esquire, the other member of the Board, attended, and being qualified agreeably to the Constitution, took his seat.

"Proposals from the town of Louisville were presented by Abraham Owens, and read.

"Harry Innis, Esquire, as attorney in fact for Andrew Holmes, proposed the town of Frankfort, and forwarded a list of contributions, *in case the Commissioners shall fix the Seat of Government* in that place.

"The town of Leestown was also proposed by Harry Innis, Esquire, as attorney in fact for Hancock Lee.

"The town of Lexington was proposed by a committee of the town, and offers made.

"*Resolved*, That this Board will proceed to view the different places proposed, and Petersburg.

"The Board then adjourned—meet at the house of Andrew Holmes, in Frankfort, to-morrow, at two o'clock."

"WEDNESDAY, August 8th, 1792.

"The Commissioners met according to adjournment, and proceeded to view the place called Leestown, Frankfort, and the lands adjacent, and again met, and, after hearing several proposals, adjourned until seven o'clock to-morrow, to meet at this place."

"FRANKFORT, Thursday, August 9th, 1792.

"The Commissioners met according to adjournment.

"Proposals, in writing, were forwarded by Harry Innis, Esquire, attorney in fact for Andrew Holmes, for Frankfort.

"And also for Leestown, by Harry Innis, Esquire, attorney in fact for Hancock Lee and Andrew Holmes.

"The Board then adjourned to James Legerwood's house in Legerwood's Bend.

"The Board met according to adjournment, about three o'clock, and proceeded to view the ground proposed, and then adjourned to Petersburg."

"PETERSBURG, August 10th, 1792.

"The Board proceeded to view the lands laid off for a town, the river and the lands adjacent, and then adjourned until eight o'clock to-morrow, to meet in Lexington."

"LEXINGTON, August 11th, 1792.

"The Board met according to adjournment.

"*Rssolved*, That on Monday, the 3d of September, the Board will meet at Louisville, to view that place and the falls, and on Friday, the 7th of September, will again meet at this place.

"*At which time it is expected that the persons who have made* PROPOSALS, or others who have any yet to make, will attend prepared to conclude a CONTRACT, and that the purport of this resolution be published in the Kentucky Gazette.

"The Board then adjourned."

"LEXINGTON, September 7th, 1792.

"A majority of the Commissioners, to-wit: Thos. Kennedy, Robert Todd, John Allen, and John Edwards, met *agreeable to their resolution.*

"A letter from the Commissioners of Louisville was presented and read.

"Also, proposals from John Rogers, in favor of Petersburg.

"Proposals from Petersburg were presented and read.

"Additional proposals from Lexington were presented and read.

"The Board then adjourned until the 3d Monday in April, to meet at this place."

"LEXINGTON, November 30th, 1792.

"A majority of the Commissioners met agreeable to their resolution, to-wit: Thomas

Kennedy, Robert Todd, John Allen, and Henry Lee, convened and resolved, that an advertisement be inserted in the Kentucky Gazette, notifying that the Commissioners will meet at the tavern of Love & Brent, in the town of Lexington, on the 5th day of December, in order to proceed to a *final decision* on this business; *those gentlemen* who have *proposals* to make for Lexington, Petersburg, Frankfort, and Leestown, *will* (it is hoped) *come forward prepared* to enter into contracts for the above purpose. The Board then adjourned."

"LEXINGTON, December 5th, 1792.

"A majority of the Commissioners met agreeable to their resolution, to-wit: Thomas Kennedy, Robert Todd, John Allen, and Henry Lee.

"*Resolved, As the opinion of this Board, that Frankfort is the most proper place for the Seat of Government; that the proposals of Andrew Holmes, Harry Innis, Esquire, and other subscribers, be accepted and agreed to;* that a copy of the journals, together with the report now agreed to, and the PROPOSALS for *Frankfort*, be transmitted to the Speaker of the *House of Representatives.*

"The Board then adjourned.

"A copy—Attest: LEVI TODD,

"*Clerk to the Board of Commissioners.*"

"HOLMES AND OTHERS' PROPOSALS."

"Propositions to the Commissioners appointed to fix on the place for the *permanent Seat of Government* for the State of Kentucky.

"*If the Commissioners approve of Frankfort as a proper place*, I will give to the Government, for the term of seven years, the house and tenement lately occupied by Gen. Wilkerson, described in the plan of said town No. 1.

"The lots 58, 59, 68, 79, 74, 75, 83, and 84, marked public ground, shall be conveyed and warranted to the Government absolutely.

"The half of the unsold lots, which amount to 37, shall also be conveyed, or 30 the choice of those unsold.

"The rents of warehouse for seven years.

"In addition to the above, I will deliver, on reasonable notice, on the square marked Public Ground, ten boxes of glass, 10 by 12, 1,500 pounds of nails, £50 worth of locks and hinges. An equivalent of stone and scantling for building.

"If more space is requisite to be laid off in half-acre lots, I will lay off 50 acres more, which shall be added to the number unsold, and divided with and conveyed to the Government, and if the Commissioners choose to divide the lots in preference to making the choice of 30 of the unsold, I will give the first choice, *i. e.*, the Commissioners to take one lot and I will take the second, and so proceed on to the division.

"ANDREW HOLMES, by

"HARRY INNIS, *his attorney in fact.*"

"In addition to the above, we, the underwriters, oblige ourselves, our heirs, &c., to pay to the said Commissioners, for the State of Kentucky, three thousand dollars in specie. Witness our hands and seals this 9th day of August, 1792.

"HARRY INNIS,
"NATHANIEL SANDERS,
"BENNET PEMBERTON,
"BENJAMIN CRAIG,
"JEREMIAH CRAIG,
"WILLIAM HAYDEN,
"DANIEL JAMES,
"GILES SAMUEL.

"In lieu of the stone and scantling offered above, I agree to give stone that will build 1,590 perches of wall in any part of Frankfort, and my saw-mill carriage, wagon, and two good horses, until a sufficiency of scantling for a State House is procured, and privilege of taking timber from any part of my tract. ANDREW HOLMES."

Your attention is especially directed to that part of the proceedings of these Commissioners found in their meetings at Lexington, August 11th, September 7th, November 30th, and December 5th, 1792. From their proceedings of August 11th, 1792, and September 7th, 1792, it is evident that they were disposed to give, and did give, a fair opportunity to those localities, desiring the location of the Seat of Government at their several towns, to enter the field as competitors for the honor and profit to be derived. Mark the language used by the Clerk of the Board in his minutes of the proceedings, from time to time: "All those persons who have made proposals, or others who may have any yet to make, will attend before the Commissioners prepared to *conclude a contract.*" Mark the language used in the minutes of the proceedings of the Commissioners at the meeting last held by them, before they finally concluded on Frankfort as the most proper place for the location of the Seat of Government.

"*Resolved*, That the Commissioners will meet, &c., in the town of Lexington, on the 5th December, 1792, in order to proceed to a final decision on this business. Those gentlemen who have proposals to make for Lexington, Frankfort, &c., will (it is hoped) come forward prepared to enter into contracts for the above purpose," viz: the location of the Seat of Government. Mark the language of the resolution fixing on Frankfort as the proper place for the permanent Seat of Government:

"It is the opinion of the Board that Frankfort is the most proper "place for the Seat of Government. That the proposals of Harry "Innis, Andrew Holmes, and other subscribers, be *accepted and agreed* "*to.*"

How were these proposals made? The language therein is plain and unmistakable. We will give so much in land for a site, and money and materials necessary to the erection of a State House, &c., provided you, as the authorized agents of the State, will fix on Frankfort as the place for the *permanent* Seat of Government. This proposition, with its condition *precedent*, was accepted by the Commissioners upon this basis, and for this, the real consideration. The bargain between the State's agents, and individuals residing at Frankfort, and others owning real estate here, was concluded—the contract

entered into. Then, in the face of the decisions we have herein referred to, we *unhesitatingly* assert, that whenever the Seat of Government is removed from its present location, the consideration on the part of the State fails, the contract is null and void, and the public grounds, together with their improvements, revert to the grantors or their heirs.

As an evidence that those of the majority entertained doubts upon this subject of reversion, while they report that there is no possibility thereof, we have only to quote the following from their report, viz: "Your committee believe that the said Andrew Holmes and James Wilkerson have no heirs now interested in the removal of the Capital." Mark you, they don't add the words, or any others of the grantors or donors. How the majority of the committee arrive at this remarkable conclusion we are at a loss to know. We have information to the contrary. Gentlemen of the bar at Frankfort inform us that, time and again, when this question of removal has been agitated, parties claiming to be heirs of these grantors have consulted with them touching their legal and equitable rights in the event of a removal of the Capital.

We can well understand the reason why the majority of your committee, or at least a portion of them, lay no stress upon facts connected with the location of the Seat of Government, as gathered from history or the acts of the General Assembly. Had they done so, they would have been forced to give them that legal bearing which we have endeavored to do in this report.

We will not occupy your valuable time, or exhaust your patience, by any further elaboration of the legal propositions involved in the resolution; and with an apology for the extended review of this subject we will pass to that portion of the resolution involving the question of a

"REMOVAL OF THE SEAT OF GOVERNMENT."

This is no new question, but one which has been introduced more than fifty times since the Seat of Government has been established. Yet, in every effort to remove the same, the friends of the measure have failed to point out one object of public utility as probably to be effected by a removal. For this reason the present Seat of Government has held its pre-eminence, and baffled its enemies in their repeated and strenuous (not to say, in view of all the facts connected with the subject, ungenerous) efforts to effect their purpose.

Have the honorable gentlemen who make the majority report suggested a single reason showing that public policy demands, or the interest of the State requires, a removal of the Seat of Government at this time? They do not pretend to say that Frankfort is not supplied with proper provisions, fuel, lights, or other accommodations necessary for the comfort of the members of this honorable body; or that the place is unhealthy; or that its atmosphere is unfavorable to intellectual exertions, or subject to any physical debility; or that its society is unfit for the association of themselves, their wives and daughters; or that it is inaccessible to any and all parts of the State; or that there are any corrupting influences brought to bear upon subjects of legislation which would not be increased an hundred-fold by locating the government in any one of the principal cities of our State. But they do say that the great State of Kentucky, with its vast wealth, its one and a half million population, ought not to consent that her Capital should, for all time to come, or any considerable time, remain at Frankfort, with its situation and topographical features.

Ill-fated, devoted Frankfort! this is not the first time that your citizens have been compelled to hear your site depressed by overwhelming floods, your surrounding hills elevated to mountainous heights, the country around described as the fit haunts of wolves, while a crack in the plaster of the State house, or a cobweb on the ceiling of any of the public offices, were magnified into objects less portentous than comets, or less to be dreaded than the nitro-glycerine manufacture in the vicinity of Maysville!

In arguing the proposition that the members of the Legislature would not be more liable to be seduced from the paths of rectitude, honesty, and public virtue by a removal of the Seat of Government to one of the metropolitan cities of our Commonwealth, gentlemen of the majority hold up the Legislature of Massachusetts, which convenes at Boston, as a paragon of virtue and honesty. While those of New York and Pennsylvania, whose Capitals are not in the first commercial cities of those States, are caricatured as the embodiments of crime and fraud, and the victims of the lobbyists.

What is the effect of having the Capital of Massachusetts at her chief commercial city? As London is England, Paris France, so Boston is Massachusetts; and remove the Capital to Louisville, and Louisville will become Kentucky. If the Legislatures of Pennsylvania and New York are so corrupt as gentlemen assert they are;

if they have fallen under the shadow of that fatal *Upas tree*, Lobbyism, in the "*rural districts*" of those States, what would be the effect if their Capitals were transferred to New York city or Philadelphia, where Tammany and other rings have infected the political atmosphere to such an extent that the good and upright of all parties have been forced to resort to sanitary measures to protect the body-politic?

The good and great men of our early times, men who framed our Constitutions, were of the opinion that it was not desirable, yea even dangerous, to have the Seat of Government in any large commercial city. The action of New York, Pennsylvania, Missouri, Illinois, and many other States of this Union, show that the opinion of our fathers was wise, and that in locating the Seat of Government at Frankfort the Commissioners were not controlled by a "fatuity."

It would be improper for us to interlard this report with reference or comments upon that portion of the report of the majority which refers to what they anticipated would be presented as an argument in favor of the present Seat of Government, viz: that on one of the "surrounding hills" repose the ashes of our honored dead. We will leave the draftsman of their report to the tender mercies of those who have not forgotten the heroic services of a Clay and McKee, who fell with their harness on, battling in defense of our country, upon a foreign soil, or the patriotism of such statesmen as Crittenden, Johnson, Letcher, and others, who served so long in the councils of the nation. In conclusion, we will present the following reasons which suggest to us the propriety of the Seat of Government permanently remaining here:

When the State of Kentucky was organized, in 1792, her resources were limited. She then paid her Governor, together with all others of her public officers, a sum in the aggregate not exceeding $3,000. In her embarrassed condition she directed, in the tenth article of her first Constitution, that the Legislature of 1792 should appoint Commissioners who should have power to fix on the place for the Seat of Government, and to receive grants from individuals therefor, and make such conditions with the grantors of lands on which they should conclude as the most proper place for locating the Capital, as should by them seem right and proper, and which should be agreeable and acceptable to the grantors. (*See Littell's Laws of Kentucky, vol.* 1, *page* 32.)

Heretofore, in this report, we have shown you that the Commissioners acted as directed by this article of the Constitution. Was not the public faith, then, pledged in fixing on Frankfort as the permanent Seat of Government, under constitutional provisions, to those who should vest their money in lots, build houses, and otherwise improve the place for the convenience and accommodation and comfort of those who should be called here on public, or even private business? Was not this pledge renewed when the first State House was built, principally by the proceeds of private contribution; and when that house burned, and the private funds of individuals were accepted and applied to the building of a new one?

The *contract* made and entered into between the Commissioners and Holmes, Innis, &c., has not only been held inviolable by all past Legislatures which have convened here, but has received the sanction and the same construction from two Conventions of the people, who had full power over the subject.

The change of the Seat of Government at this time involves an expense of not less than five millions of dollars. How long would we be in that good financial condition referred to by the majority of your committee with a debt of five millions added to our present burden? If a removal of the Capital should operate as a reverter to the grantors of the lands received for public uses on a condition precedent, then we assert that it follows that those lots received by the State, and afterwards sold to individuals, and the money therefor placed in the State Treasury, revert also, and the State is in the attitude of interfering with vested rights of her citizens. For the sake of the argument, suppose there can be no possibility of a reverter; then we say that, in the event of a removal, the public property will partake of the general depreciation of property here, and become almost worthless. While Frankfort has ever been the victim for the shafts of playful humor or ungenerous sarcasm, in the last twenty years her people have incurred debts amounting to nearly a million of dollars in expenditures for water-works, gas-works, hotel, and other public conveniences and comforts. We know of no high misdemeanor on the part of her people by which she should forfeit the good opinion of this honorable body. During the time in which the Seat of Government has been located here more than one hundred State Conventions have been held, by each of the political parties of the State, in this place, and yet we have never

heard a word from the *people* about a removal of the Seat of Government.

Some have mockingly said, that, notwithstanding the advantages Frankfort has had by having the Seat of Government here for nearly eighty years, yet she can boast of but few manufacturing establishments and other evidences of enterprise. Had her people been relieved from the apprehension of losing the incidental advantage of having the Capital here; had the subject of a removal not been agitated time and again, thereby depressing her and driving capital from her midst, she would to-day be the flourishing city which her natural advantages point out for her. Remove the Democlean sword which has hung over the heads of her people so long, by dismissing this subject, and appropriate the proper sum necessary to complete the public buildings according to the plan adopted by your predecessors, and as recommended by his Excellency in his message to us, and in the course of a few years we will silence the taunts of those who have twitted us upon our lack of enterprise.

In conclusion, we will add, that though we have the honor to represent a constituency whose interest is directly and especially involved in this question, we would scorn to ask a consideration by this honorable body of the issue from a local stand-point alone. We have viewed it in the light of its bearing on the interest of the people of the whole State. The history of the location of the Capital at its present site shows that the settlement of this vexed question was submitted to the fairest arbitrament possible, and we only ask that your honorable body will give the question that fair and impartial consideration that should mark your action upon all questions in which the people of the State are interested; and believing that you will sustain the compact made between the contending sections, when the action of the Commissioners was approved and accepted, we have the honor to submit the question.

W. H. SNEED,
H. I. TODD,
Of the Committee.

Ordered, That the two reports be printed and placed in the orders of the day.

On motion of Mr. Connor, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Winchester Building and Accumulating Fund Association, of Winchester.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Connor then moved to reconsider the vote.

Which motion was simply entered.

On motion of Mr. Pope, a message was sent to the House of Representatives, asking leave to withdraw the announcement of the passage of a bill, which originated in the Senate, entitled

An act to prohibit the sale of liquors on the Sabbath day.

After a short time, said bill was handed in at the Clerk's desk.

On motion of Mr. Pope, the votes by which said bill was passed, the third reading dispensed with, and that ordering it to be read a third time, were reconsidered.

The yeas and nays being required by Messrs. Haggard and Hawes on reconsidering the vote by which said bill was ordered to be read a third time, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	O. D. McManama,
James B. Casey,	W. W. Frazer,	Alfred T. Pope,
W. H. Chelf,	John J. Gatewood,	K. F. Prichard,
James F. Clay,	Jesse C. Gilbert,	W. H. Sneed,
Harrison Cockrill,	J. B. Haydon,	A. G. Talbott,
G. W. Connor,	G. A. C. Holt,	W. L. Vories,
John E. Cooper,	Wm. Johnson,	Ben. J. Webb—23.
William P. Duvall,	A. L. McAfee,	

Those who voted in the negative, were—

Robert Boyd,	D. R. Haggard,	Edwin Hawes,
E. P. Campbell,	H. S. Hale,	John W. Johnson—8.
J. H. Dorman,	Thomas F. Hargis,	

Various amendments were then proposed to said bill.

On motion of Mr. Duvall, said bill and proposed amendments were recommitted to the Committee on Religion and Morals, with instructions to report on Wednesday next.

Leave was given to bring in the following bills, viz:

On motion of Mr. Dorman—

1. A bill for the benefit of R. H. Williams, sheriff of Owen county.

On motion of Mr. Talbott—

2. A bill to amend and reduce into one all the acts concerning the town of Danville.

On motion of Mr. Casey—

3. A bill to amend the charter of the city of Covington.

On motion of Mr. Veries—

4. A bill to amend the turnpike laws of Henry county.

On motion of Mr. Clay—

5. A bill to incorporate Ivy Lodge, No. 21, Knights of Pythias.

On motion of Mr. Frazer—

6. A bill for the benefit of Hugh Barclay, jr., of Logan county.

On motion of Mr. Cockrill—

7. A bill to define the county line between Estill and Lee counties, near the house of Jack Hern.

On motion of Mr. Casey—

8. A bill to amend an act, entitled "An act to incorporate the Maysville, Flemingsburg, Coal and Iron Region Railway Company."

On motion of Mr. Sneed—

9. A bill to suppress lawlessness in this Commonwealth.

On motion of Mr. Hargis—

10. A bill to amend the charter of the Licking River Lumber and Mining Company.

Ordered, That the Committee on Finance prepare and bring in the 1st and 6th; the Committee on the Judiciary the 2d and 10th; the Committee on Internal Improvement the 4th; the Committee on Charitable Institutions the 5th; the Committee on Propositions and Grievances the 7th; the Committee on Railroads the 8th; the Committee on Revised Statutes and Codes of Practice the 9th, and a select committee, consisting of Messrs. McManama, Martin, and Casey, the 3d.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz:

An act for the benefit of William Bellis, jailer of Estill county;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Merchants' Banking Company, of Caverna;

An act for the benefit of the town of Georgetown;

An act to authorize the sale of the Clark and Montgomery Turnpike Road, in Clark county;

An act for the benefit of the stockholders of the Washington County Agricultural Society;

An act to incorporate the Harrodsburg and Baton Rouge Turnpike Road Company, in Mercer county;

An act to amend an act, entitled "An act creating the county of Josh Bell;"

An act to authorize the county court of Pulaski county to sell grounds, levy taxes, and issue bonds to raise money to build a court-house;

An act to authorize Bourbon county to build a court-house;

An act for the benefit of John L. Farrar, of McCracken county;

An act to declare certain lakes and creeks in Ballard county navigable;

An act to amend the charter of the St. Bernard Coal Company;

An act to amend an act, entitled "An act to incorporate the White Stone Quarry Company;"

An act to amend the charter of the Fox Run and Bullskin Turnpike Road Company, in Shelby county;

An act to amend an act, entitled "An act to incorporate Munday's Landing and Harrodsburg Turnpike Road Company, in Mercer county;"

An act for the benefit of the Garrard county court, and to vest them with certain powers;

An act for the benefit of Fleming county;

An act to authorize the county court of Pendleton county to sell the poor-house property in said county, and reinvest proceeds of said sale;

An act for the benefit of L. R. Thurman;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

And then the Senate adjourned.

THURSDAY, JANUARY 30, 1873.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, of the following title, viz:

An act to charter the Owenton High School,

With an amendment.

Which bill and amendment were referred to the Committee on Education.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of school districts Nos. 22 and 73, in Madison county.

2. An act for the benefit of school district No. 5, in Ballard county.

3. An act to amend an act, entitled "An act for the benefit of common school district No. 12, in Woodford county."

4. An act for the benefit of common school district No. 59, of Bath county.

5. An act to amend an act to cause good school-houses to be erected in the 8th and 9th Congressional Districts.

6. An act in relation to the Murray Male and Female Institute in common school district No. 35, in Calloway county.

7. An act for the benefit of common school district No. 8, in Hancock county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, 3d, 4th, 5th, and 7th to the Committee on Education, and the 6th to the Committee on Courts of Justice.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Vories, from the Committee on Banks and Insurance—

A bill to incorporate the Bank of Lagrange.

By Mr. Talbott, from the Committee on Charitable Institutions—

A bill to incorporate Ivy Lodge, No. 21, Knights of Pythias.

By Mr. Sneed from the Committee on Education—

A bill for the benefit of school district No. 19, in Kenton county.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

A bill to amend an act, entitled "An act authorizing the clerk of the Nelson county court to make an index and cross-index to deeds in his office, and transmit the marriage register in said office," approved January 24, 1872.

By Mr. Conklin, from the Committee on Finance—

A bill for the benefit of John Scott, of Pike county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

1. An act to amend an act, entitled "An act to incorporate the Shelbyville Cemetery Company, approved March 1st, 1854.

By Mr. Barlow, from the Committee on Claims—

2. An act for the benefit of R. W. Williams, of Christian county.

By Mr. Wm Johnson, from the Committee on the Judiciary—

3. An act for the benefit of Eli H. Murray.

By Mr. Martin, from the Committee on Library and Public Buildings and Offices—

4. An act to amend the law in relation to porters for the public offices.

By Mr. Gilbert, from the Committee on Courts of Justice—

5. An act to amend an act to require the clerk of the Louisville chancery court to make a cross-index to suits and cross-suits, and continue the same," approved March 2d, 1872.

By Mr. Standiford, from the Committee on Railroads—

6. An act to amend an act, entitled "An act to authorize the trustees of the Cincinnati Southern Railway to acquire the right of

way and to extend a line of railway through certain counties in this Commonwealth."

By Mr. Hale, from the Committee on Finance—

7. An act for the benefit of Simon Humphreys, late sheriff of Nelson county, and his sureties.

By Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice—

8. An act to incorporate the town of Crofton, in Christian county.

With amendments to the last two named bills.

Which were adopted.

Ordered, That the further consideration of the 6th of said bills be postponed until the 4th of February, and that all the rest be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wm. Johnson, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Levi Jones, of Greenup county,

Reported the same, with the expression of opinion that said bill ought not to pass.

On motion,

Ordered, That said bill be referred to the Committee on Revised Statutes and Codes of Practice.

Mr. Conklin, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of James W. Hogg, late sheriff of Breathitt county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Mr. Hale, from the Committee on Finance, asked to be discharged from the further consideration of a leave to bring in a bill, entitled

A bill for the benefit of James Wallace, late sheriff of Clinton county.

Which was granted.

The Senate took up for consideration a bill, entitled

A bill to change and fix the time of holding the Hart circuit court.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the Hart circuit court shall commence on the fourth Monday in April and October of each year, and continue at each term eighteen juridical days, if the business of said court shall require it.

§ 2. That all process of every kind, civil and criminal, bonds, recognizances, summons, and bench warrants, shall be, and are hereby, made returnable to the terms of said courts, as above fixed, in the same manner, and to be as valid and legal in every respect, as if returnable to the terms of said court as now fixed by law.

§ 3. All laws and part of laws in conflict with the above act fixing the terms and time for holding the Hart circuit court, are hereby repealed.

§ 4. This act to take effect and be in force from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barlow and Holt, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	W. W. Frazer,	John W. Johnson,
James B. Casey,	John J. Gatewood,	A. L. Martin,
W. H. Chelf,	Jesse C. Gilbert,	Alfred T. Pope,
Harrison Cockrill,	H. S. Hale,	K. F. Prichard,
G. W. Connor,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	Edwin Hawes,	E. D. Standiford,
William P. Duvall,	J. B. Haydon,	Ben. J. Webb—23.
W. McKee Fox,	G. A. C. Holt,	

Those who voted in the negative, were—

John S. Barlow,	D. R. Haggard,	O. D. McManama,
James F. Clay,	William Johnson,	A. G. Talbott,
Wm. L. Conklin,	A. L. McAfee,	W. L. Vories—9.

Resolved, That the title of said bill be as aforesaid.

The Senate, according to order, took up for consideration the amendments proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to provide for the location and erection of the Third Lunatic Asylum.

Ordered, That the further consideration of said bill and proposed amendments be made the special order of the day for to-morrow.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to prohibit the sale of ardent, vinous, malt, spirituous, or intoxicating liquors, or the mixture thereof, in the county of Breathitt;

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Salem Church, in Cumberland county;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to tax pawnbrokers;

An act to incorporate the Riverton Savings Bank;

An act for the benefit of John S. Humphreys;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. McManama—

1. A bill to amend an act, entitled "An act to authorize the Mississippi Central Railroad Company to extend their road into and through the State of Kentucky," approved March 18th, 1872.

On motion of Mr. Hale—

2. A bill to legalize the acts of W. N. Boaz as deputy clerk of the Graves county court.

On motion of Mr. Fox—

3. A bill to re-establish and maintain a public school in district No. 1, in Pulaski county, by taxation.

On motion of Mr. McAfee—

4. A bill providing for the building of a public school-house in the town of Nicholasville.

On motion of Mr. Cockrill—

5. A bill to incorporate the Louisville Coal Field and Atlantic Railroad Company.

On motion of Mr. Clay—

6. A bill to amend the 47th chapter of the Revised Statutes, title "Husband and Wife."

On motion of Mr. Hawes—

7. A bill for the benefit of Daviess county.

Ordered, That the Committee on Railroads prepare and bring in the 1st and 5th; the Committee on Courts of Justice the 2d; the Committee on the Judiciary the 3d; the Committee on Education the 4th; the Committee on Revised Statutes and Codes of Practice the 6th, and the Committee on Propositions and Grievances the 7th.

Mr. Hawes presented the following petition, viz:

The petition of the county judge and county attorney of Daviess county, praying the passage of an act enabling the county court of said county to levy an *ad valorem* tax for railroad and bridge purposes.

Which was received, the reading dispensed with, and referred to the Committee on Propositions and Grievances.

And then the Senate adjourned.

FRIDAY, JANUARY 31, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Joseph Robinson, late sheriff of Franklin county.

An act for the benefit of Levi Yocum, sheriff elect of Montgomery county.

An act for the benefit of, and to reincorporate, the Norton Iron Works.

An act for the benefit of the public schools of Louisville.

That they had passed bills of the following titles, viz:

1. An act to create a new school district in Clinton county.

2. An act for the benefit of common schools in Jessamine county.

3. An act for the benefit of school district No. 47, in Clay county.

4. An act for the benefit of school districts Nos. 5 and 28, in Livingston county.

5. An act to change the name of the Catlettsburg Normal Academy to that of the East Kentucky Normal Academy.

6. An act to amend the charter of Jefferson College at Jeffersontown.

7. An act for the benefit of school district No. 1, in Letcher county.

8. An act to amend the charter of the Harrisburg Seminary.

9. An act for the benefit of school district No. 16, in Larue county.

10. An act to incorporate Millersburg Academy.

11. An act to establish an academy in the town of Germantown, in Bracken and Mason counties.

12. An act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts,'" approved March 13th, 1872.

13. An act to establish free schools for the colored people in Hancock county.

14. An act to require the owners of stock scales in Boone county to have and keep test weights.

15. An act to protect the owners of breeding and training farms and stables.

16. An act for the benefit of James N. Frazer, late sheriff of Harrison county.

17. An act for the benefit of John Hill, of Madison county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, and 13th to the Committee on Education; the 14th and 15th to the Committee on Agriculture and Manufactures; the 16th to the Committee on Finance, and the 17th to the Committee on Propositions and Grievances.

A message was also received from the House of Representatives, announcing that they had received official information from the Gov-

ernor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in Barren county.

An act to amend the charter of the Louisville, Cincinnati, and Lexington Railroad Company.

An act to re-enact an act, entitled "An act to amend an act to incorporate the Bank of Union County."

An act amendatory of the charter of the town of Glasgow;

An act to extend the time of the assessor of Harrison county for returning his assessment books.

An act to amend an act incorporating the Riverton Iron and Mining Company.

An act to repeal the 2d section of an act to amend chapter 3, article 1, section 825, of the Civil Code of Practice, approved February 22d, 1860.

An act to legalize certain proceedings of the Garrard county court.

An act to amend the charter of the Tygart Valley Iron Company.

An act to amend an act, entitled "An act to incorporate the German Insurance Bank," approved March 14th, 1872.

An act to amend an act, entitled "An act for the benefit of Martin county," approved February 16th, 1872.

An act for the benefit of Misses Virginia and Lizzie Smith.

An act to amend an act, entitled "An act authorizing the sale of certain alleys in the town of Winchester," approved February 19th, 1849.

An act to amend an act, entitled "An act to incorporate the Christian County Bank," approved March 2d, 1872.

The following petitions were presented, viz:

By Mr. Haggard—

1. The petition of the trustees of school district No. 24, in Cumberland county, praying the passage of an act for the benefit of said district.

By Mr. Gilbert—

2. The petition of John Ewell, jailer of McCracken county, praying the passage of an act allowing him pay for keeping a criminal.

By Mr. Gatewood—

3. The petition of sundry citizens of Allen county, praying the

passage of an act to prevent the destruction of fish in Barren river and its tributaries.

By Mr. Cooper—

4 The petition of sundry citizens of Owsley county, asking the passage of an act for the protection of sheep in said county.

By Mr. Barlow—

5. The petition of Elisha F. Jordan, praying the passage of an act in relation to the boundary line between the counties of Allen and Monroe.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Education; the 2d to the Committee on Finance, and the 3d, 4th, and 5th to the Committee on Propositions and Grievances.

Mr. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend an act to prevent the destruction of fish in Dix river and Hanging Fork,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Vories, from the Committee on Finance—

1. A bill for the benefit of R. H. Williams, sheriff of Owen county, and his sureties.

By Mr. Haggard, from the Committee on Propositions and Grievances—

2. A bill to prevent the wanton destruction of fish in Crocus creek, in Cumberland county.

By Mr. Frazer, from the Committee on Education—

3. A bill for the benefit of R. G. Scott, of Rowan county.

By Mr. Frazer, from the Committee on Banks and Insurance—

4. A bill to amend an act, entitled "An act to incorporate the Western German Savings Bank, of Louisville."

By Mr. Pope, from the Committee on Immigration and Labor—

5. A bill to establish a Bureau of Immigration.

By Mr. Talbott, from the Committee on Railroads—

6. A bill to incorporate Spring Station Railway Company.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

7. A bill to amend the charter of the Newport Street Railway Company.

By Mr. Talbott, from the Committee on Charitable Institutions—

8. A bill to incorporate the Oakland Cemetery Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 5th of said bills was ordered to be printed, and made the special order of the day for Thursday next, 6th of February; the 6th was ordered to be printed, and referred to the Committee on the Judiciary, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to change the time of holding courts in the 7th judicial district.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate had refused to concur in the adoption of a resolution, which originated in the House of Representatives, entitled

Resolution for the benefit of S. Hodge.

The question was then taken on concurring in the adoption of said resolution, and it was decided in the affirmative.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of S. Hodge, of Crittenden county, for a sum equal to the per diem of a member of this House from the 9th day of January, 1872, up to the 21st day of March, 1872, that being

the length of time from the filing of his petition contesting the right of J. N. Woods to a seat on this floor, up to the decision of said contest by this House.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	Thomas F. Hargis,
R. A. Burton,	W. McKee Fox,	G. A. C. Holt,
W. H. Chelf,	W. W. Frazer,	John W. Johnson,
James F. Clay,	John J. Gatewood,	E. D. Standiford,
Harrison Cockrill,	Jesse C. Gilbert,	A. G. Talbott,
G W. Connor,	D. R. Haggard,	W. L. Vories,
John E. Cooper,	H. S. Hale,	Ben. J. Webb—22.
F. W. Darby,		

Those who voted in the negative, were—

Robert Boyd,	J. H. Dorman,	Alfred T. Pope,
E. P. Campbell,	Edwin Hawes,	K. F. Prichard—8.
Wm. L. Conklin,	Wm. Johnson,	

The Senate, according to order, took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend the revenue laws of this Commonwealth.

Sundry amendments were proposed to said bill.

Ordered, That said proposed amendments be printed (the bill having been previously printed), and that the bill and amendments be made the special order of the day for Wednesday next, the 5th of February.

The Senate, according to order, took up for consideration the amendments proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to provide for the location and erection of the Third Lunatic Asylum.

The original bill of the Senate reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of two hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of purchasing a tract of land not exceeding three hundred acres, and erecting thereon a lunatic asylum, to be called and styled the "Third Lunatic Asylum," sufficient for the safe and comfortable keeping and treatment of at least four hundred inmates.

§ 2. That the Governor shall appoint three competent discreet persons as Commissioners, who, after first being duly sworn to faithfully and impartially discharge their duties, shall locate said asylum on or before May 1, 1872, at some suitable point in one of the counties

west of the Tennessee river, and contract for the land on which they locate it, and take a deed, with clause of general warranty to the Commonwealth of Kentucky, so as to secure a good and perfect title thereto for the use and benefit of said asylum.

§ 3. That when said deed shall have been duly executed by the vendor or vendors, and accepted by the commissioners, they shall issue a certificate to the Auditor in favor of the vendor or vendors for such sum as they shall have contracted to pay for the land; and upon the receipt of such certificate, the Auditor shall draw his warrant upon the Treasurer for said sum, to be paid out of any money in the Treasury not otherwise appropriated.

§ 4. When said commissioners shall have purchased the land, and accepted the deed therefor, they shall immediately proceed to have the asylum erected, furnished, and fitted out, according to the most improved plans for such institutions; and they are hereby authorized to employ an architect, whose duty it shall be to furnish plans and specifications for said building, and to superintend the erection of the same, which plans and specifications shall be considered and approved by the said commissioners; and to employ and make a contract with some suitable builder or builders to erect, furnish, and complete said asylum; and they shall take covenant in favor of the Commonwealth from such builder or builders, with good and sufficient surety, for a faithful compliance with all the terms and stipulations of the contract; but before letting the contract they shall advertise for at least twenty days in the Louisville Courier-Journal, the Louisville Ledger, the Anzeiger, and the Cincinnati Commercial, for proposals for said work, and shall let the contract to the lowest and best bidder or bidders, who shall execute such covenant; but the price shall not exceed the balance of the appropriation remaining after paying for the land.

§ 5. The said commissioners are hereby authorized to issue certificates every three months to the Auditor in favor of the building contractor or contractors, for such sum as will pay not exceeding seventy per cent. for work actually done, for which sums the Auditor shall issue his warrant and the Treasurer shall pay the same in the manner required for paying the vendor of the land; but before issuing any certificate to the building contractor or contractors, the commissioners shall, in the presence of the county court judge and clerk, execute covenant, with good and sufficient sureties, to the Commonwealth (to be attested by said judge and clerk, and approved by the Governor), for the faithful discharge of all their duties under this act.

§ 6. Whenever the asylum is completed and ready for the reception of inmates, the commissioners shall notify the Governor, who shall give notice thereof by proclamation, and appoint a superintendent of the asylum to act until the meeting of the next General Assembly thereafter.

§ 7. If any commissioner fails to act, the Governor shall appoint another in his place; and any vacancy shall be filled by the appointment of the Governor.

§ 8. That the said commissioners, in determining the location of the proposed asylum, shall take into consideration all the advantages

and conveniences of each county asking for said location, together with the value of county or private subscription which may be made by each county for the use and benefit of the asylum.

§ 9. That the sum of fifty thousand dollars be, and is hereby, appropriated, in addition to the sum named in the first section of this bill, for the purpose of providing for the accommodation of seventy-five colored lunatics, in a detached building, but adjacent to the asylum herein authorized to be erected.

§ 10. This act shall take effect from its passage.

The amendment proposed by the House of Representatives reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of two hundred thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of purchasing a tract of land not exceeding three hundred acres, and erecting thereon a lunatic asylum, to be called and styled the "Third Lunatic Asylum," sufficient for the safe and comfortable keeping and treatment of at least four hundred inmates.

§ 2. That the Governor shall appoint three competent discreet persons as commissioners, who, after first being duly sworn to faithfully and impartially discharge their duties, shall locate said asylum on or before May 1st, 1873, at some suitable point in one of the counties of this Commonwealth, and contract for the land on which they locate it, and take a deed, with clause of general warranty to the Commonwealth of Kentucky, so as to secure a good and perfect title thereto for the use and benefit of said asylum.

§ 3. That when said deed shall have been duly executed by the vendor or vendors, and accepted by the Commissioners, they shall issue a certificate to the Auditor in favor of the vendor or vendors, for such sum as they shall have contracted to pay for the land; and, upon the receipt of such certificate, the Auditor shall draw his warrant upon the Treasurer for said sum, to be paid out of any money in the Treasury not otherwise appropriated.

§ 4. When said Commissioners shall have purchased the land and accepted the deed therefor, they shall immediately proceed to have the asylum erected, furnished, and fitted out, according to the most improved plans for such institutions. And they are hereby authorized to employ an architect, whose duty it shall be to furnish plans and specifications for said building, and to superintend the erection of the same, which plans and specifications shall be considered and approved by the said Commissioners; and to employ and make a contract with some suitable builder or builders to erect, furnish, and complete said asylum; and they shall take covenant in favor of the Commonwealth from such builder or builders, with good and sufficient surety for a faithful compliance with all the terms and stipulations of the contract; but, before letting the contract, they shall advertise, for at least twenty days, in the Louisville Courier-Journal, the Louisville Ledger, the Anzeiger, and the Cincinnati Commercial, for proposals for said work, and shall let the contract to the lowest and best

bidder or bidders, who shall execute such covenant; but the price shall not exceed the balance of the appropriation remaining after paying for the land.

§ 5. The said Commissioners are hereby authorized to issue certificates every three months to the Auditor, in favor of the building contractor or contractors, for such sum as will pay not exceeding seventy per cent. for work actually done, for which sums the Auditor shall issue his warrant and the Treasurer shall pay the same in the manner required for paying the vendor of the land; but before issuing any certificate to the building contractor or contractors, the Commissioners shall, in the presence of the county court judge and clerk, execute covenant, with good and sufficient sureties, to the Commonwealth (to be attested by said judge and clerk, and approved by the Governor) for the faithful discharge of all their duties under this act.

§ 6. Whenever the asylum is completed and ready for the reception of inmates, the Commissioners shall notify the Governor, who shall give notice thereof by proclamation, and appoint a Superintendent of the asylum to act until the meeting of the next General Assembly thereafter.

§ 7. If any Commissioner fails to act, the Governor shall appoint another in his place; and any vacancy shall be filled by the appointment of the Governor.

§ 8. That the said Commissioners, in determining the location of the proposed asylum, shall take into consideration all the advantages and conveniences of each county asking for said location, together with the value of county or private subscription which may be made by each county for the use and benefit of the asylum.

§ 9. That the sum of fifty thousand dollars be, and is hereby, appropriated, in addition to the sum named in the first section of this bill, for the purpose of providing for the accommodation of seventy-five colored lunatics, in a detached building, but adjacent to the asylum herein authorized to be erected.

§ 10. That the sum of one hundred thousand dollars be appropriated to enlarge the Western Lunatic Asylum at Hopkinsville; and that the Auditor be directed to draw his warrant upon the Treasurer for the above sum for the purpose indicated, to be paid out of any moneys in the Treasury not otherwise appropriated.

§ 11. That the Governor shall appoint three commissioners, who shall, as directed by him, superintend the enlargement of the building, and report progress to him, at least once every three months, until the work be finished; the statements from the commissioners to be filed in the Secretary's office for reference.

§ 12. That the commissioners so appointed shall see that the building be erected with as little delay as possible, and that no inferior materials be used in the construction of said building; and that said building shall be erected according to the plans and specifications of the architect, which plans and specifications must have been approved by the Governor and commissioners appointed by him to superintend the carrying out of the same. Said commissioners to employ and make contract or contracts with some suitable builder or builders to

erect and complete said building, and they shall take covenant in favor of the Commonwealth from such builder or builders, with good and sufficient surety for a faithful compliance with all the terms and stipulations of the contract, to be approved by the Governor. But, before letting the contract, they shall advertise, for at least twenty days, in at least three of the most public newspapers in the State, for proposals for said work, and shall let the contract or contracts to the lowest and best bidder or bidders.

§ 13. That the commissioners are hereby authorized to issue certificates every three months to the Auditor, and after the same has been approved by the Governor, the Auditor shall draw his warrant on the Treasurer: *Provided*, That said certificates shall not exceed seventy-five per cent. for the work actually done.

§ 14. The Governor shall employ an architect, who shall submit plans and specifications for the enlargement of said institution. The draft shall be drawn so as to furnish rooms for not less than two hundred (200) lunatics.

§ 15. Amend the title to read, "An act to provide for the location and erection of the Third Lunatic Asylum, and the enlargement of the Western Lunatic Asylum."

§ 16. This act shall take effect and be in force from its passage.

Mr. Haggard then moved to amend the amendment proposed by the House of Representatives by substituting in lieu thereof the following, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of one hundred and fifty thousand dollars be appropriated to enlarge the Western Lunatic Asylum at Hopkinsville; also, the sum of fifty thousand dollars be appropriated to enlarge the Feeble-minded Institute at Frankfort; and that the Auditor be directed to draw his warrant upon the Treasurer for the above sums, for the purposes indicated, to be paid out of any moneys in the Treasury not otherwise appropriated.

§ 2. That the Governor shall appoint three Commissioners, who shall, as directed by him, superintend the enlargement of each of the buildings, and report progress to him at least once every three months until the work be finished—the statements from the Commissioners to be filed in the Secretary's office for reference.

§ 3. That the Commissioners so appointed shall see that the buildings be erected with as little delay as possible, and that no inferior materials be used in the construction of said buildings; and that each building shall be erected according to the plans and specifications of the architect, which plans and specifications must have been approved by the Governor and Commissioners appointed by him to superintend the carrying out of the same; said Commissioners to employ and make contract or contracts with some suitable builder or builders to erect and complete said buildings; and they shall take covenant in favor of the Commonwealth from such builder or builders, with good and sufficient surety, for a faithful compliance with

all the terms and stipulations of the contract, to be approved by the Governor. But before letting the contract they shall advertise, for at least thirty days, in at least three of the most public newspapers in the State, for proposals for said work, and shall let the contract or contracts to the lowest and best bidder or bidders.

§ 4. That the Commissioners are hereby authorized to issue certificates every three months to the Auditor, and after the same has been approved by the Governor, the Auditor shall draw his warrant on the Treasurer: *Provided*, That said certificates shall not exceed seventy-five per cent. for the work actually done.

§ 5. That so soon as the extensions of the Feeble-minded Institute at Frankfort be completed, so as to afford rooms sufficient for the accommodation of one hundred and thirty inmates, to be comfortably cared for and securely restrained, then the Superintendents of the two asylums, viz: at Lexington and at Hopkinsville, shall select from their epileptic and demented patients sixty-five (65) each, and forward them to the Feeble-minded Institute at Frankfort, to be received by the Superintendent of said Institute, and properly cared for.

§ 6. That so soon as the sixty-five (65) epileptic and demented patients are removed from the two asylums, the Superintendents of each asylum shall notify the Governor of their readiness to receive a like number from their respective districts; and the Governor shall make the same known by proclamation.

§ 7. The Governor shall employ an architect, who shall submit plans and specifications for the enlargement of each institution. The draft for the Western Asylum shall be drawn so as to furnish rooms for not less than two hundred and fifty (250) lunatics; and the draft for the enlargement of the Feeble-minded Institute shall furnish rooms for one hundred and thirty (130).

§ 8. That the sum of fifty thousand dollars be, and is hereby, appropriated, in addition to the sum named, for the purpose of enlarging the Western Asylum, at Hopkinsville, and the Feeble-minded Institute at Frankfort, for the purpose of providing for the accommodation of one hundred (100) colored lunatics in a building adjacent to the asylum erected at Lexington for said purpose.

§ 9. The necessary expenses in removing said epileptic and demented patients to be paid out of any moneys in the Treasury not otherwise appropriated. That the Auditor shall draw his warrant on the Treasurer in favor of the Superintendents of said Eastern and Western Asylums; the accounts shall have first been approved by the Governor.

§ 10. This act shall take effect and be in force from its passage.

Amend the title of the bill by striking out all after the words "provide for the," and insert "enlargement of the Western Asylum, and the Feeble-minded Institute at Frankfort, and the Asylum for the negroes at Lexington."

The question was then taken on the adoption of the amendment proposed by Mr. Haggard, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	D. R. Haggard,	K. F. Prichard,
Wm. L. Conklin,	Edwin Hawes,	W. H. Sneed—7.
John J. Gatewood,		

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	G. A. C. Holt,
R. A. Burton,	J. H. Dorman,	John W. Johnson,
E. P. Campbell,	William P. Duvall,	Wm. Johnson,
James B. Casey,	W. McKee Fox,	A. L. McAfee,
W. H. Chelf,	W. W. Frazer,	Alfred T. Pope,
James F. Clay,	Jesse C. Gilbert,	E. D. Standiford,
Harrison Cockrill,	H. S. Hale,	A. G. Talbott,
G W. Connor,	Thomas F. Hargis,	W. L. Vories,
John E. Cooper,	J. B. Haydon,	Ben. J. Webb—27.

The question was then taken on concurring in the amendments proposed by the House of Representatives, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	John W. Johnson,
R. A. Burton,	W. McKee Fox,	William Johnson,
E. P. Campbell,	W. W. Frazer,	A. L. McAfee,
James B. Casey,	John J. Gatewood,	Alfred T. Pope,
W. H. Chelf,	Jesse C. Gilbert,	K. F. Prichard,
James F. Clay,	D. R. Haggard,	W. H. Sneed,
Harrison Cockrill,	H. S. Hale,	E. D. Standiford,
Wm. L. Conklin,	Thomas F. Hargis,	A. G. Talbott,
John E. Cooper,	Edwin Hawes,	W. L. Vories,
F. W. Darby,	J. B. Haydon,	Ben. J. Webb—32.
J. H. Dorman,	G. A. C. Holt,	

In the negative, Robert Boyd—1.

Leave was given to bring in the following bills, viz:

On motion of Mr. Webb—

1. A bill to amend the charter of the Western German Savings Bank.

On motion of Mr. Wm. Johnson—

2. A bill regulating the time of holding the circuit courts in the 9th judicial district.

On motion of Mr. Pope—

3. A bill to give C. C. Rufer the right to sell liquor to travelers at Lebanon Junction.

On motion of same—

4. A bill for the benefit of incorporated banks in Kentucky.

On motion of same—

5. A bill to authorize sales and conveyances by trustees under a power in Louisville.

On motion of Mr. Conklin—

6. A bill for the benefit of J. B. Otter, of Edmonson county.

On motion of Mr. Chelf—

7. A bill for the benefit of the janitor of the Court of Appeals.

Ordered, That the Committee on Banks and Insurance prepare and bring in the 1st and 4th; the Committee on the Judiciary the 2d and 5th; the Committee on Religion and Morals the 3d, and the Committee on Revised Statutes and Codes of Practice the 6th and 7th.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz:

An act for the benefit of the public schools of Louisville;

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

And then the Senate adjourned.

SATURDAY, FEBRUARY 1, 1873.

A message was received from the House of Representatives, announcing their disagreement to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of E. W. Hughes, of Logan county.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of John DeHart, of Elliott county.

An act for the benefit of M. A. Pickering, late sheriff of Caldwell county, and his deputy

An act to incorporate the Louisville College of Pharmacy.

An act for the benefit of Marshall Morris, of Grayson county.

An act for the benefit of W. E. Duncan, late sheriff of Warren county, and his sureties.

That they had passed bills of the following titles, viz:

1. An act authorizing rewards for killing wolves, red foxes, grey foxes, and wild cats.

2. An act for the benefit of George W. Cooper, of Logan county.

3. An act for the benefit of colored public schools at Bowling Green.

4. An act to empower the Edmonson county court to levy an additional tax, and issue bonds to build a court-house.

5. An act for the benefit of James G. Bailey, late sheriff of Lincoln county.

6. An act for the benefit of S. H. Piles, late sheriff of Livingston county.

7. An act for the benefit of S. A. Walker, of Graves county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Propositions and Grievances; the 2d and 7th to the Committee on Claims; the 3d to the Committee on Education; the 4th to the Committee on Courts of Justice, and the 5th and 6th to the Committee on Finance.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

State of Kentucky, Executive Department,
Frankfort, February 1, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

Henry A. Schaeffer, Jefferson county.
George H. Bruce, Jefferson county.
M. L. Roberts, Kenton county.
J. M. Tisdale, Kenton county.
T. R. Rankin, Harrison county.
F. T. D. Wallace, Lawrence county.
Thomas J. Miller, Nelson county.
John T. Shelby, Fayette county.
Thomas J. Ewing, Boyd county.
Thomas J. Harris, Franklin county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The following petitions were presented, viz:

By Mr. Barlow—

1. The petition of sundry citizens of Barren county, praying the passage of an act for the benefit of school district No. 5, in said county.

By Mr. Hale—

2. The petition of the members of the bar of Mayfield, praying the passage of an act amending section 621, title 13, of the Civil Code of Practice.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Education, and the 2d to the Committee on Courts of Justice.

Mr. Duvall read and laid on the table the following resolution, viz:

Whereas, The due execution of the laws, and prompt administration of justice, demand an increase in the circuit courts of the Commonwealth; and whereas, under the provisions of the Constitution the number of judicial districts cannot be increased until the State shall contain one million and a half of population; and whereas, there are reasonable grounds to believe, and to justify the assumption upon the part of the General Assembly, that there are now resident within the State of Kentucky that number of persons; therefore, be it

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of laying off additional circuit court

judicial districts in this Commonwealth, and also as to the constitutional power of the Legislature at this time to create such districts.

Ordered, That the further consideration of said resolution be postponed till Thursday next, the 6th inst.

Mr. Talbott, from the Committee on Charitable Institutions, to whom was referred leave to bring in a bill, entitled

A bill to incorporate Phœnix Lodge, No. 196, Independent Order of Odd Fellows,

Asked to be discharged from the further consideration of the leave.

Which was granted.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

1. A bill to incorporate the Dallasburg Cemetery Company.

By Mr. Gilbert, from the Committee on Courts of Justice—

2. A bill to legalize the acts of W. N. Boaz as deputy clerk of the Graves county court.

By Mr. Pope, from the Committee on the Judiciary—

3. A bill to amend an act to incorporate the Laboring Man's Loan and Aid Association of Louisville," approved March 15th, 1869.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

4. A bill to amend chapter 47 of the Revised Statutes, entitled "Husband and Wife."

By same—

5. A bill for the benefit of the janitor of the Court of Appeals.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

6. A bill to amend section 16 of an act, entitled "An act to amend an act to incorporate the town of Smith's Grove."

By Mr. Webb, from the Committee on Religion and Morals—

7. A bill authorizing the county court of Bullitt county to grant a tavern license to Charles Rufer.

By Mr. Hawes, from the Committee on Religion and Morals—

8. A bill for the benefit of the town of Bell Point, in Franklin county.

By same—

9. A bill to prohibit the sale of ardent spirits in Wolfe county.

By Mr. McManama, from a select committee—

10. A bill to amend the city charter of Covington.

By Mr. Haggard, from the Committee on Propositions and Grievances—

11. A bill to prohibit the destruction of fish by traps and by seining and netting in the spawning season in Barren river and its tributaries, in Allen county.

By Mr. Conklin, from the Committee on Revised Statutes and Codes of Practice—

12. A bill for the benefit of J. B. Otter, of Edmonson county.

By Mr. Haggard, from the Committee on Internal Improvement—

13. A bill to incorporate the Decoursey Station, Taylor Road, and Bank Lick Short-line Turnpike Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the further consideration of the 7th was postponed till Tuesday next, the 4th inst.; the 4th was ordered to be printed, and made the special order of the day for Friday next, the 7th inst., and all the rest were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hale, from the Committee on Finance, reported a bill, entitled

A bill for the benefit of John Ewell, jailer of McCracken county.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer of the State in favor of John Ewell, jailer of McCracken county, for whatever amount may be allowed him by the McCracken circuit or common pleas court, for his services in imprisoning, keeping, and providing for James Peay, a prisoner confined in the jail of McCracken county, under an indictment on a charge of murder: *Provided*, The allowance shall not exceed the fees now prescribed by law for similar services by jailers.

§ 2. That this act shall take effect from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	William Johnson,
Robert Boyd,	Jesse C. Gilbert,	A. L. Martin,
E. P. Campbell,	D. R. Haggard,	O. D. McMahama,
W. H. Chelf,	H. S. Hale,	Alfred T. Pope,
James F. Clay,	Thomas F. Hargis,	K. F. Prichard,
Harrison Cockrill,	Edwin Hawes,	W. H. Sneed,
Wm. L. Conklin,	J. B. Haydon,	E. D. Standiford,
F. W. Darby,	G. A. C. Holt,	W. L. Vories,
William P. Duvall,	John W. Johnson,	Ben. J. Webb—27.

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to require the owners of stock scales in Boone county to have and keep test weights.

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of Emily S. Tucker, an idiot of Wayne county.

By same—

An act for the benefit of Isaac N. Webb, jailer of Harrison county.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act in relation to the Murray Male and Female Institute, in common school district No. 35, in Calloway county.

By Mr. Darby, from the Committee on Courts of Justice—

An act for the benefit of school district No. 5, in Ballard county.

By Mr. Gatewood, from the Committee on Education—

An act to amend an act, entitled "An act for the benefit of common school district No. 12, in Woodford county."

By same—

An act for the benefit of common school district No. 59, in Bath county.

By same—

An act to amend an act to cause good school-houses to be erected in the 8th and 9th Congressional Districts.

By same—

An act for the benefit of common school district No. 8, in Harrison county.

By Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice—

An act in relation to the town of South Carrollton.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to prohibit the sale of ardent spirits in Headquarters, Nicholas county.

By same—

An act to prohibit the sale of spirituous, vinous, or malt liquors in Glasgow Junction precinct, in Barren county.

By same—

An act for the benefit of the German Evangelical St. Paul Church, of Paducah.

By Mr. Hawes, from the Committee on Religion and Morals—

An act to prevent the sale of spirituous liquors near Harmony Church, in Garrard county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act to repeal an act approved March 11th, 1871, declaring Roundstone creek, in Rockcastle county, a navigable stream.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Webb, from the Committee on Agriculture and Manufactures, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to protect the owners of breeding and training farms and stables,

Reported the same, with the expression of opinion that said bill ought not to pass.

Ordered, That the further consideration of said bill be postponed till Tuesday next, the 4th inst.

Mr. Barlow, from the Committee on Claims, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of A. W. Dudley and D. M. Bowen, citizens of Franklin county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of A. W. Dudley, of Franklin county, for the sum of one thousand dollars, and in favor of D. M. Bowen, of Franklin county, for the sum of four hundred dollars, for their services as Commissioners, appointed by the Governor to superintend the completion of the "Fire-proof Offices;" said warrants to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. Martin,
Robert Boyd,	D. R. Haggard,	O. D. McManama,
W. H. Chelf,	H. S. Hale,	Alfred T. Pope,
James F. Clay,	Thomas F. Hargis,	W. H. Sneed,
Wm. L. Conklin,	Edwin Hawes,	E. D. Standiford,
John E. Cooper,	J. B. Haydon,	A. G. Talbott,
F. W. Darby,	G. A. C. Holt,	W. L. Vories,
William P. Duvall,	John W. Johnson,	Ben. J. Webb—26.
John J. Gatewood,	Wm. Johnson,	

In the negative, E. P. Campbell—1.

Resolved, That the title of said bill be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Cockrill—

1. A bill to incorporate the Richmond and Three Forks Railroad Company.

On motion of Mr. Talbott—

2. A bill for the benefit of the Eastern Lunatic Asylum.

On motion of Mr. Barlow—

3. A bill to charter the Barren County Bank.

On motion of Mr. Gilbert—

4. A bill to incorporate the Evansville and Southwest Kentucky Mineral Railroad Company.

Ordered, That the Committee on Railroads prepare and bring in the 1st and 4th; the Committee on Charitable Institutions the 2d, and the Committee on Banks and Insurance the 3d.

And then the Senate adjourned.

MONDAY, FEBRUARY 3, 1873.

Hon. Wm. Johnson in the Chair.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend an act approved March 18, 1872, entitled "An act to incorporate the Church House for Females and Infirmary for the Sick."

An act to incorporate the Strangers' Rest Lodge, No. 13, I. O. O. F., Henderson, Kentucky.

An act to amend the charter of the Tug Fork Lead, Iron, Salt, and Oil Mining and Manufacturing Company, approved 27th February, 1865.

An act to amend an act incorporating the town of Greensburg.

An act to authorize the Louisville Club of the city of Louisville to change its name to the Beargrass Club.

That they had concurred in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to amend and reduce into one the several acts concerning the town of Madisonville,

With an amendment.

Which bill, with the proposed amendment, was referred to the Committee on Courts of Justice.

A message was also received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the town of Crofton, in Christian county.

An act authorizing the clerk of the Lewis county court to make out a new cross-index to deeds recorded in the clerk's office of the Lewis county court.

An act for the benefit of Elizabeth M. Johnson.

An act for the benefit of Simon Humphreys, late sheriff of Nelson county, and his sureties.

That they had passed bills of the following titles, viz:

1. An act to incorporate the town of Springville, in Greenup county.

2. An act to incorporate the Columbus and Milburn Gravel and Plank Road Company.

3. An act to amend an act, entitled "An act to incorporate the Richwood Cemetery Company," approved January 25th, 1848.

4. An act to amend the charter of the town of Georgetown.

5. An act to incorporate the World's Fair Association, of Woodford county.

6. An act to amend an act to incorporate the city of Cynthiana, approved January 22d, 1868.

7. An act to incorporate the Caseyville Coal and Transportation Company.

8. An act in relation to the transfer of the property of the Harrison Academy, of the city of Cynthiana.

9. An act to amend an act to reduce into one all previous acts incorporating the town of Woodville, in the counties of McCracken and Ballard.

10. An act to incorporate the Victor Coal Mining Company.

11. An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to incorporate the same under the name of the Howland Coal and Iron Works.

12. An act to incorporate the Guylena Mining and Manufacturing Company.

13. An act to incorporate the Fleming Coal Company.

14. An act to incorporate the Collier Mining and Manufacturing Company.

15. An act to incorporate the Muhlenburg Coal and Iron Company.

16. An act to amend the charter of the Diamond Coal, Mining, and Manufacturing Company.

17. An act to incorporate the town of Stantonville, in Mason county.

18. An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

19. An act to incorporate the Society Franco-American of Mutual Assistance of the city of Paducah.

20. An act to amend an act, entitled "An act to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons."

21. An act to incorporate the Mechanics' Loan and Building Association of Lexington.

22. An act to incorporate Phantom Lodge, No. 15, of the Knights of Pythias.

23. An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of Kentucky.

24. An act to amend an act, entitled "An act to incorporate the Union and Richwood Turnpike Road Company."

25. An act to incorporate Walton Lodge, No. 183, of the Independent Order of Odd Fellows.

26. An act to amend the charter of the city of Paducah.

27. An act to legalize certain acts, contracts, and proceedings of the common council of the city of Paducah.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 4th, 6th, 8th, 17th, and 18th to the Committee on Revised Statutes and Codes of Practice; the 2d and 24th to the Committee on Internal Improvement; the 3d, 19th, 20th, 22d, 23d, and 25th to the Committee on Charitable Institutions; the 5th, 7th, 10th, 11th, 12th, 13th, 14th, 15th, and 16th to the Committee on Agriculture and Manufactures; the 9th to the Committee on Courts of Justice; the 21st to the Committee on the Judiciary, and the 26th and 27th were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Talbott moved the following resolution, viz:

WHEREAS, Grave charges are being circulated as to the conduct and management of the Feeble-minded Institute, one of the public charities of this Commonwealth; therefore,

Resolved, That a committee of three be appointed by the Speaker on the part of the Senate, to act in conjunction with a similar committee appointed by the House of Representatives, whose duty it shall be to investigate the truth or falsity of said charges, and report to the Senate the result of their investigations at the earliest practicable day. To facilitate said investigation, said committee shall have power to send for persons and papers.

The question was taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Talbott and Martin, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	A. L. Martin,
Robert Boyd,	John J. Gatewood,	O. D. McManama,
R. A. Burton,	Thomas F. Hargis,	W. H. Sneed,
E. P. Campbell,	Edwin Hawes,	A. G. Talbott,
Wm. L. Conklin,	G. A. C. Holt,	W. L. Vories,
John E. Cooper,	John W. Johnson,	Ben. J. Webb—20.
F. W. Darby,	Wm. Johnson,	

Those who voted in the negative, were—

James F. Clay, K. F. Prichard—2.

On motion, indefinite leave of absence was granted to Mr. Frazer.

Mr. Talbott, from the Committee on Charitable Institutions, reported a bill, entitled

A bill for the benefit of the Eastern Lunatic Asylum.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That the further consideration of said bill be postponed until Friday next, the 7th inst.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of E. W. Hughes, of Logan county.

Which was granted, and the bill handed over to the messenger.

Mr. Hargis presented the remonstrance of sundry citizens of Carter county, remonstrating against the passage of any act changing the boundary line of said county.

16. An act to amend the charter of the Diamond Coal, Mining, and Manufacturing Company.

17. An act to incorporate the town of Stantonville, in Mason county.

18. An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

19. An act to incorporate the Society Franco-American of Mutual Assistance of the city of Paducah.

20. An act to amend an act, entitled "An act to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons."

21. An act to incorporate the Mechanics' Loan and Building Association of Lexington.

22. An act to incorporate Phantom Lodge, No. 15, of the Knights of Pythias.

23. An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of Kentucky.

24. An act to amend an act, entitled "An act to incorporate the Union and Richwood Turnpike Road Company."

25. An act to incorporate Walton Lodge, No. 183, of the Independent Order of Odd Fellows.

26. An act to amend the charter of the city of Paducah.

27. An act to legalize certain acts, contracts, and proceedings of the common council of the city of Paducah.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 4th, 6th, 8th, 17th, and 18th to the Committee on Revised Statutes and Codes of Practice; the 2d and 24th to the Committee on Internal Improvement; the 3d, 19th, 20th, 22d, 23d, and 25th to the Committee on Charitable Institutions; the 5th, 7th, 10th, 11th, 12th, 13th, 14th, 15th, and 16th to the Committee on Agriculture and Manufactures; the 9th to the Committee on Courts of Justice; the 21st to the Committee on the Judiciary, and the 26th and 27th were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Talbott moved the following resolution, viz:

WHEREAS, Grave charges are being circulated as to the conduct and management of the Feeble-minded Institute, one of the public charities of this Commonwealth; therefore,

Resolved, That a committee of three be appointed by the Speaker on the part of the Senate, to act in conjunction with a similar committee appointed by the House of Representatives, whose duty it shall be to investigate the truth or falsity of said charges, and report to the Senate the result of their investigations at the earliest practicable day. To facilitate said investigation, said committee shall have power to send for persons and papers.

The question was taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Talbott and Martin, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	A. L. Martin,
Robert Boyd,	John J. Gatewood,	O. D. McManama,
R. A. Burton,	Thomas F. Hargis,	W. H. Sneed,
E. P. Campbell,	Edwin Hawes,	A. G. Talbott,
Wm. L. Conklin,	G. A. C. Holt,	W. L. Vories,
John E. Cooper,	John W. Johnson,	Ben. J. Webb—20.
F. W. Darby,	Wm. Johnson,	

Those who voted in the negative, were—

James F. Clay, K. F. Prichard—2.

On motion, indefinite leave of absence was granted to Mr. Frazer.

Mr. Talbott, from the Committee on Charitable Institutions, reported a bill, entitled

A bill for the benefit of the Eastern Lunatic Asylum.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That the further consideration of said bill be postponed until Friday next, the 7th inst.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of E. W. Hughes, of Logan county.

Which was granted, and the bill handed over to the messenger.

Mr. Hargis presented the remonstrance of sundry citizens of Carter county, remonstrating against the passage of any act changing the boundary line of said county.

Which was received, read, and referred to the Committee on Propositions and Grievances.

Leave was given to bring in the following bills, viz:

On motion of Mr. Conklin—

1. A bill to empower the county court of Grayson county to levy an additional tax to build a new jail.

On motion of Mr. Talbott—

2. A bill to promote the science of anatomy and surgery in this Commonwealth.

On motion of Mr. Cockrill—

3. A bill to permit any county in this State that has heretofore voted subscriptions of stock to any railroad company to transfer the same to other railroad companies.

On motion of same—

4. A bill to repeal section 14, chapter 67, Revised Statutes, so far as the same applies to the counties of Estill and Lee.

On motion of Mr. Campbell—

5. A bill to amend section 77 of the Civil Code of Practice.

Ordered, That the Committee on Revised Statutes and Codes of Practice prepare and bring in the 1st, 4th, and 5th; the Committee on Railroads the 3d, and a select committee, consisting of Messrs. Talbott, Clay, Fox, and McManama, the 2d.

And then the Senate adjourned.

TUESDAY, FEBRUARY 4, 1873.

In the absence of the Speaker, Hon. G. A. C. Holt was chosen Speaker *pro tem.* of the Senate.

A message was received from the House of Representatives, announcing that they had passed bills and concurred in the adoption of a resolution, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act to incorporate the Bank of Mayfield," approved March 10, 1870.

An act to incorporate the Hopkinsville Car Manufacturing Company.

An act to declare Upper Twin Branch, in Lawrence county, a navigable stream.

An act to amend an act, entitled "An act to amend an act incorporating the town of Calvert City, in Marshall county."

An act to amend the charter of the town of Carlisle, in Nicholas county.

Resolution appointing a joint committee for certain purposes.

That they had passed bills of the following titles, viz:

1. An act for the benefit of the West Point and Elizabethtown Turnpike Company.

2. An act to amend the charter of the town of West Point, in Hardin county.

3 An act to amend an act, entitled "An act to incorporate the Henderson Horseshoe Bend Company."

4. An act to incorporate the St. Joseph's Catholic Benevolent Society, of Frankfort.

5. An act to amend the charter of the town of Livermore, in McLean county.

6. An act to amend an act, entitled "An act to incorporate the Marble City Mining and Manufacturing Company."

7. An act to incorporate the Bath Iron Company.

8. An act to incorporate the Rush Branch Coal, Iron, Mining, Lumbering, and Manufacturing Company, in Morgan county.

9. An act to incorporate the Tradewater Navigation and Manufacturing Company.

10. An act to amend the charter of the Frankfort and Flat Creek Turnpike Road Company.

11. An act to amend the charter of the Bagdad and Harrisonville Turnpike Road Company, in Shelby county.

12. An act to amend an act, entitled "An act to incorporate the Boone Mining and Manufacturing Company," approved February 16th, 1866.

13. An act to amend an act incorporating the Concord and Tollsboro Turnpike Road Company.

14. An act amending an act, entitled "An act to incorporate the Vanceburg, Quincy, and Springville Turnpike Road Company," approved February 18th, 1869.

15. An act amending an act incorporating the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company.

16. An act to amend the act incorporating the Cabin Creek Turnpike Road Company.

17. An act to amend an act, entitled "An act to incorporate the Vanceburg, Quick's Run, and Concord Turnpike Road Company," approved December 17th, 1867.

18. An act to amend an act, entitled "An act to incorporate the Salt Lick, Esculapia, and Mount Carmel Turnpike Road Company," approved March 9th, 1867.

19. An act authorizing and empowering the levy court, or court of claims of Magoffin county, to increase the county levy, and to levy an *ad valorem* tax.

20. An act for the benefit of James Brough and Oscar McKenzie, of Morgan county.

21. An act to authorize the Ballard county court to increase the taxes to pay off the debts hereafter created by said county.

22. An act to abolish the quarterly court in Ballard county.

23. An act to facilitate the collection of taxes in the city of Paducah.

24. An act legalizing oral testimony in certain cases in Paducah.

25. An act authorizing the clerk of the Carter county court to procure general cross-index books, and to index and cross-index all the equity and ordinary suits off the docket on file in his office.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 10th, 11th, 13th, 14th, 15th, 16th, 17th, and 18th to the Committee on Internal Improvement; the 2d and 5th to the Committee on Revised Statutes and Codes of Practice; the 3d, 6th, 7th, 8th, 9th, and 12th to the Committee on Agriculture and Manufactures; the 4th to the Committee on Charitable Institutions; the 19th, 21st, 22d, 23d, and 25th to the Committee on Courts of Justice; the 20th to the Committee on Propositions and Grievances, and the 24th was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to declare certain lakes and creeks in Ballard county navigable.

An act to amend an act, entitled "An act to incorporate the White Stone Quarry Company."

An act to authorize the sale of the Clark and Montgomery Turnpike Road, in Clark county.

An act to amend the charter of the St. Bernard Coal Company.

An act for the benefit of the stockholders of the Washington County Agricultural Society.

An act to amend an act, entitled "An act to incorporate Munday's Landing and Harrodsburg Turnpike Road Company, in Mercer county."

An act to amend an act, entitled "An act creating the county of Josh Bell."

An act to authorize Bourbon county to build a court-house.

An act for the benefit of the Garrard county court, and to vest them with certain powers.

An act for the benefit of L. R. Thurman.

An act for the benefit of John L. Farrar, of McCracken county.

An act to authorize the county court of Pendleton county to sell the poor-house property in said county, and reinvest proceeds of said sale.

An act for the benefit of Fleming county.

An act for the benefit of John S. Humphreys.

An act to tax pawnbrokers.

An act for the benefit of the town of Georgetown.

An act to authorize the county court of Pulaski county to sell grounds, levy taxes, and issue bonds to raise money to build a court-house.

A message was also received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to prohibit the sale of ardent, vinous, malt, spirituous, or intoxicating liquors, or the mixture thereof, in the county of Breathitt.

An act for the benefit of the public schools of Louisville.

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Salem Church, in Cumberland county.

An act for the benefit of William Bellis, jailer of Estill county.

The following remonstrance and petitions were presented, viz:

By Mr. Conklin—

1. The remonstrance of sundry citizens of Edmonson county, against the passage of an act authorizing the county court of said county to increase the taxes to build a new court-house.

By same—

2. The petition of sundry citizens of Edmonson county, praying the passage of an act authorizing the county court of said county to increase the county levy to build a new court-house.

By Mr. Martin—

3. The petition of sundry citizens of Harlan county, praying an appropriation to pay certain jail guards.

By Mr. Prichard—

4. The petition of sundry citizens of Martin county, praying that the seat of government be removed to the town of Warfield, in said county.

Which were received, the reading dispensed with, and referred—the 1st and 2d to the Committee on Courts of Justice; the 3d to the Committee on Claims, and the 4th to the Committee on Library and Public Buildings and Offices.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to amend the charter of the Diamond Coal, Mining, and Manufacturing Company.

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to amend an act, entitled "An act to incorporate the Richmond Cemetery Company," approved January 25, 1848.

By same—

An act to amend an act, entitled "An act to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons."

By Mr. Gatewood, from the Committee on Education—

An act for the various school districts in Hancock county.

By Mr. John W. Johnson, from the Committee on Education—

An act to amend the charter of Jefferson College at Jeffersontown.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Whitaker, from the Committee on Banks and Insurance—

A bill to charter the Barren county Bank.

By Mr. Wrightson, from the Committee on Privileges and Elections—

A bill to amend an act, entitled "An act to authorize the city of Newport to supply itself and others with pure water, and establish water-works," approved January 6, 1871.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Darby, from the Committee on Courts of Justice, to whom had been referred the amendments proposed by the House of Representatives to the amendments proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to amend and reduce into one the several acts concerning the town of Madisonville,

Reported the same, with the expression of opinion that said amendments should be concurred in.

And the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Wm. Johnson, a message was sent to the House of Representatives, asking leave to withdraw the announcement of the passage of a bill by the Senate, entitled

An act amending an act approved March 9th, 1868, entitled "An act fixing the time for the election in this State of Representatives to the Congress of the United States."

After a short time, said bill was handed in at the Clerk's desk.

Said bill was then placed in the orders of the day.

Leave was given to bring in the following bills, viz:

On motion of Mr. Barlow—

1. A bill for the benefit of S. S. Farris, sheriff of Barren county.

On motion of same—

2. A bill for the benefit of Henry C. Parrish, of Barren county.

On motion of Mr. Cockrill—

3. A bill to authorize the Estill county court to sell the poor-house farm of said county, and to reinvest the proceeds thereof.

On motion of Mr. Whitaker—

4. A bill for the benefit of the estate of Frederick M. Weeden, late sheriff of Mason county.

On motion of Mr. Pope—

5. A bill to amend an act, entitled "An act to incorporate the Second Presbyterian Church of the city of Louisville."

On motion of Mr. Hale—

6. A bill to authorize the city of Hickman to subscribe and pay for stock in the Mississippi River Levee Company.

On motion of same—

7. A bill to amend an act to incorporate the Fulton County Agricultural Society, approved January 18th, 1867.

Ordered, That the Committee on Finance prepare and bring in the 1st and 4th; the Committee on Propositions and Grievances the 2d and 3d; the Committee on Religion and Morals the 5th, and the Committee on Courts of Justice the 6th and 7th.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to provide for the location and erection of the Third Lunatic Asylum, and the enlargement of the Western Lunatic Asylum;

An act for the benefit of John DeHart, of Elliott county;

An act for the benefit of Joseph Robinson, late sheriff of Franklin county;

An act for the benefit of M. A. Pickering, late sheriff of Caldwell county, and his deputy;

An act to amend an act approved March 18, 1872, entitled "An act to incorporate the Church House for Females and Infirmary for the Sick;"

An act to incorporate the Louisville College of Pharmacy;

An act for the benefit of Marshall Morris, of Grayson county;

An act for the benefit of Levi Yocum, sheriff elect of Montgomery county;

An act to amend the charter of the Tug Fork Lead, Iron, Salt, and Oil Mining and Manufacturing Company, approved 27th February, 1865;

An act for the benefit of W. E. Duncan, late sheriff of Warren county, and his sureties;

An act to amend an act incorporating the town of Greensburg;

An act for the benefit of, and to reincorporate, the Norton Iron Works;

An act to authorize the Louisville Club of the city of Louisville to change its name to the Beargrass Club;

And enrolled bills and a resolution, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Webster County Chalybeate and Sulphur Springs Company;

An act to incorporate the Nevada and Dixville Turnpike Road Company, in Mercer county;

An act in relation to roads in Breckinridge county;

An act to amend an act to prevent the destruction of fish in Dix river and Hanging Fork;

An act to amend an act, entitled "An act to authorize the trustees of the Cincinnati Southern Railway to acquire the right of way and to extend a line of railway through certain counties in this Commonwealth;"

An act for the benefit of W. M. Gray, of Trigg county;

An act for the benefit of R. W. Williams, of Christian county;

An act for the benefit of W. H. Jefferson, jailer of Trigg county;

An act for the benefit of Dr. T. B. Jefferson, of Trigg county;

An act to amend an act, entitled "An act to incorporate the Shelbyville Cemetery Company, approved March 1st, 1854;

An act for the benefit of Eli H. Murray;

An act to amend the law in relation to porters for the public offices;

An act to amend an act to require the clerk of the Louisville chancery court to make a cross-index to suits and cross-suits, and continue the same," approved March 2d, 1872;

An act for the benefit of the German Evangelical St. Paul Church, of Paducah;

An act for the benefit of common school district No. 59, in Bath county;

An act to amend the charter of the city of Paducah;

An act to legalize certain acts, contracts, and proceedings of the common council of the city of Paducah;

Resolution for the benefit of S. Hodge;

And had found the same truly enrolled.

Said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

The Senate, according to order, took up for consideration a bill which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to authorize the trustees of the Cincinnati Southern Railway to acquire the right of way, and to extend a line of railway through certain counties of this Commonwealth."

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	F. W. Darby,	Alfred T. Pope,
E. P. Campbell,	William P. Duvall,	W. H. Sneed,
James B. Casey,	W. McKee Fox,	E. D. Standiford,
W. H. Chelf,	John W. Johnson,	A. G. Talbott,
James F. Clay,	A. L. Martin,	W. L. Vories,
Harrison Cockrill,	A. L. McAfee,	Thos. Wrightson—20.
John E. Cooper,	O. D. McManama,	

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	William Johnson,
R. A. Burton,	Thomas F. Hargis,	K. F. Prichard,

Wm. L. Conklin,	Edwin Hawes,	Ben. J. Webb,
John J. Gatewood,	J. B. Haydon,	Emery Whitaker—14.
D. R. Haggard,	G. A. C. Holt,	

Resolved, That the title of said bill be as aforesaid.

The Senate also took up for consideration a bill, entitled

A bill authorizing the county court of Bullitt county to grant a tavern license to Charles Rufer.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That when, and so long as, Charles Rufer, of the city of Louisville, shall comply with the laws relating to taverns and tippling-houses generally, the county court of Bullitt county shall give him a license to keep a tavern at Lebanon Junction, in said county, and to sell therein spirituous, malt, and vinous liquors to travelers during the stoppage of railway trains at said junction, and travelers sojourning in said tavern, excepting residents of said county.

§ 2. This act shall take effect from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Haggard and Haydon, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	William P. Duvall,	A. L. McAfee,
R. A. Burton,	W. McKee Fox,	O. D. McManama,
James B. Casey,	John J. Gatewood,	Alfred T. Pope,
Harrison Cockrill,	G. A. C. Holt,	K. F. Prichard,
Wm. L. Conklin,	Wm. Johnson,	E. D. Standiford,
John E. Cooper,	A. L. Martin,	Ben. J. Webb—18.

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	W. H. Sneed,
E. P. Campbell,	Thomas F. Hargis,	A. G. Talbott,
W. H. Chelf,	Edwin Hawes,	W. L. Vories,
F. W. Darby,	J. B. Haydon,	Emery Whitaker,
D. R. Haggard,	John W. Johnson,	Thos. Wrightson—15.

Resolved, That the title of said bill be as aforesaid.

Mr. Cooper moved to reconsider the vote by which said bill had been passed.

Mr. Pope moved to lay said motion on the table.

Mr. Prichard then moved a call of the Senate.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	A. L. McAfee,
Robert Boyd,	John J. Gatewood,	O. D. McManama,
R. A. Burton,	D. R. Haggard,	Alfred T. Pope,
E. P. Campbell,	H. S. Hale,	K. F. Prichard,
James B. Casey,	Thomas F. Hargis,	W. H. Sneed,
W. H. Chelf,	Edwin Hawes,	E. D. Standiford,
James F. Clay,	J. B. Haydon,	A. G. Talbott,
Harrison Cockrill,	G. A. C. Holt,	W. L. Vories,
Wm. L. Conklin,	John W. Johnson,	Ben. J. Webb,
John E. Cooper,	Wm. Johnson,	Emery Whitaker,
F. W. Darby,	A. L. Martin,	Thos. Wrightson—34.
William P. Duvall,		

In the negative, none.

Mr. Martin then moved to suspend any further action under the call.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John E. Cooper,	A. L. Martin,
Robert Boyd,	F. W. Darby,	A. L. McAfee,
R. A. Burton,	William P. Duvall,	O. D. McManama,
James B. Casey,	W. McKee Fox,	Alfred T. Pope,
James F. Clay,	John J. Gatewood,	K. F. Prichard,
Harrison Cockrill,	G. A. C. Holt,	E. D. Standiford,
Wm. L. Conklin,	William Johnson,	Ben. J. Webb—21.

Those who voted in the negative, were—

E. P. Campbell,	Thomas F. Hargis,	W. H. Sneed,
W. H. Chelf,	Edwin Hawes,	A. G. Talbott,
D. R. Haggard,	J. B. Haydon,	Emery Whitaker,
H. S. Hale,	John W. Johnson,	Thos. Wrightson—12.

Pending the call, when the name of the Senator from Henry (Mr. Vories) was reached, he asked to be excused from voting.

After the call had been gone through with, the Speaker then announced, "Shall the Senator be excused?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Hale, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John E. Cooper,	A L. McAfee,
Robert Boyd,	F. W. Darby,	O. D. McManama,
R. A. Burton,	William P. Duvall,	Alfred T. Pope,
James B. Casey,	W. McKee Fox,	W. H. Sneed,
W. H. Chelf,	J. B. Haydon,	E. D. Standiford,
James F. Clay,	G. A. C. Holt,	Ben. J. Webb,
Harrison Cockrill,	William Johnson,	Emery Whitaker,
Wm. L. Conklin,	A. L. Martin,	Thos. Wrightson—24.

Those who voted in the negative, were—

E. P. Campbell,	H. S. Hale,	John W. Johnson,
John J. Gatewood,	Thomas F. Hargis,	K. F. Prichard,
D. R. Haggard,	Edwin Hawes,	A. G. Talbott—9.

Mr. Prichard at one o'clock, P. M., moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Prichard and Hale, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	Edwin Hawes,	W. H. Sneed,
E. P. Campbell,	J. B. Haydon,	A. G. Talbott,
W. H. Chelf,	John W. Johnson,	W. L. Vories,
D. R. Haggard,	K. F. Prichard,	Emery Whitaker—13.
H. S. Hale,		

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	A. L. Martin,
R A. Burton,	William P. Duvall,	A. L. McAfee,
James B. Casey,	W. McKee Fox,	O. D. McManama,
James F. Clay,	John J. Gatewood,	Alfred T. Pope,
Harrison Cockrill,	Thomas F. Hargis,	E. D. Standiford,
Wm. L. Conklin,	G. A. C. Holt,	Ben. J. Webb,
John E. Cooper,	Wm. Johnson,	Thos. Wrightson—21.

The question was then taken on the motion made by Mr. Pope, which was to lay on the table the motion made by Mr. Cooper to reconsider the vote by which the Senate had passed the bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Pope, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	F. W. Darby,	A. L. McAfee,
R. A. Burton,	William P. Duvall,	O. D. McManama,
James B. Casey,	W. McKee Fox,	Alfred T. Pope,
James F. Clay,	John J. Gatewood,	E. D. Standiford,

Harrison Cockrill,	G. A. C. Holt,	Ben. J. Webb,
Wm. L. Conklin,	William Johnson,	Thos. Wrightson—20.
John E. Cooper,	A. L. Martin,	

Those who voted in the negative, were—

John S. Barlow,	Thomas F. Hargis,	W. H. Sneed,
E. P. Campbell,	Edwin Hawes,	A. G. Talbott,
W. H. Chelf,	J. B. Haydon,	W. L. Vories,
D. R. Haggard,	John W. Johnson,	Emery Whitaker—14.
H. S. Hale,	K. F. Prichard,	

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 5, 1873.

Hon. G. A. C. Holt presiding.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to regulate the time of holding circuit courts in the counties of Nicholas and Mason.

An act to regulate the time of holding circuit courts in the 15th judicial district.

That they had passed bills of the following titles, viz:

1. An act to amend the town charter of Lebanon.

2. An act to require the clerk of the Harrison circuit court to index and cross-index certain cases.

3. An act to authorize the county court of Whitley county to issue bonds to raise funds for county purposes.

4. An act to authorize the Warren county court to employ counsel.

5. An act for the benefit of Washington county, authorizing the county court of said county to levy and collect taxes to pay its present indebtedness.

6. An act to change the time of holding the Lee county quarterly courts.

7. An act for the benefit of the jailer of Lawrence county.

8. An act to authorize the court of claims of Oldham county to levy tax for the erection of a new jail.

9. An act to legalize certain orders and proceedings of the Larue county court.

10. An act for the benefit of the Lewis county court.

11. An act for the benefit of Clinton county court of claims.

12. An act to repeal an act, entitled "An act relating to school district No. 14, in Simpson county."

13. An act to fix the time of holding terms of circuit courts in the 10th judicial district.

14. An act to incorporate the Mt. Sterling Water-works Company.

15. An act to incorporate the Mt. Sterling Free Stone Company.

16. An act to incorporate the Enterprise Improvement and Manufacturing Company.

17. An act to regulate official sales of real and personal property, and of settlements of estates, in the counties of Pendleton, Lewis, Bracken, and Hickman.

18. An act in relation to granting tavern license in the Vanceburg election precinct, in Lewis county.

19. An act in relation to the city of Vanceburg.

20. An act for the benefit of James R. Garland, of Lewis county.

21. An act for the benefit of R. B. Lovel, late sheriff of Lewis county.

22. An act to empower Division No. 129 to convey lot.

23. An act to legalize the proceedings of the Metcalfe county court at its June term, 1869.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 14th to the Committee on Revised Statutes and Codes of Practice; the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, and 13th to the Committee on Courts of Justice; the 15th and 16th to the Committee on Agriculture and Manufactures; the 17th, 18th, 19th, 20th, 22d, and 23d to the Committee on the Judiciary, and the 21st to the Committee on Finance.

Mr. Vories presented the petition of sundry citizens of Oldham county, praying the passage of an act authorizing the sale of the Lagrange and Shelbyville Turnpike Road.

Which was received, the reading dispensed with, and referred to the Committee on Internal Improvement.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Haggard, from the Committee on Propositions and Grievances—

1. A bill to locate and define the county line between Estill and Lee counties.

By same—

2. A bill to authorize the sale of the poor-house farm in Estill county.

By same—

3. A bill for the benefit of E. F. Jordan, of Allen county.

By same—

4. A bill authorizing the Cumberland county court to change the name of Sarah C. Shey.

By Mr. Standiford, from the Committee on Railroads—

5. A bill to charter the Ohio River, Owenton, and Lexington Railway Company.

By same—

6. A bill authorizing the trustees of the town of Barbourville to guarantee to the first railroad company making a railroad through Knox county sufficient land in said town, or adjacent thereto, for a depot.

By same—

7. A bill to authorize railroad companies incorporated by the laws of this Commonwealth to execute, issue, and sell their mortgage bonds, and to secure the payment thereof by executing mortgages upon their property, rights, and franchises.

By Mr. Talbott, from the Committee on Railroads—

8. A bill to incorporate the Richmond and Three Forks Railroad Company.

By same—

9. A bill to incorporate the Harlan County Mining, Railroad, and Colonization Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 7th was ordered to be printed, and made

the special order of the day for the 12th inst.; the 9th was recommitted to the Committee on Railroads, and the 1st, 2d, 3d, 4th, 5th, 6th, and 8th were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Talbott, from the Committee on Railroads, reported a bill, entitled

A bill to incorporate the Louisville Coal Field and Atlantic Railway Company.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as the second reading of said bill being dispensed with,

Said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Haggard, from the Committee on Internal Improvement, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to build a turnpike road in Lewis and Mason counties,"

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act authorizing rewards for killing wolves, red foxes, grey foxes, and wild cats,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

On motion,

Ordered, That the further consideration of said bill be postponed until to-morrow.

Mr. Haggard, from the Committee on Internal Improvement, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to protect the navigation of Beech Fork of Salt river, in Nelson county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

In pursuance of a resolution of the Senate heretofore adopted, in relation to certain charges which are being circulated touching the management of the Feeble-minded Institute, the Speaker announced the following Senators as members of the committee, viz: Messrs. Talbott, Prichard, and Gilbert.

On motion of Mr. Haydon, a messenger was sent to the House of Representatives, asking leave to withdraw the announcement of the passage of a bill by the Senate, entitled

An act authorizing the county court of Bullitt county to grant a tavern license to Chas. Rufer.

Leave was given to bring in the following bills, viz:

On motion of Mr. Hale—

1. A bill to amend an act, entitled "An act to amend and reduce into one the several acts respecting the town of Hickman."

On motion of same—

2. A bill to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872.

On motion of Mr. Gatewood—

3. A bill for the benefit of school district No. 1, in Allen county.

On motion of same—

4. A bill for the benefit of W. E. Duncan, late sheriff of Warren county.

On motion of Mr. Standiford—

5. A bill for the benefit of the sheriffs of this Commonwealth.

On motion of Mr. Dorman—

6. A bill to incorporate the Owenton Cemetery Company.

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st and 2d; the Committee on Education the 3d; the Committee on Propositions and Grievances the 4th; the Committee on Finance the 5th, and the Committee on Charitable Institutions the 6th.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to incorporate the Strangers' Rest Lodge, No. 13, I. O. O. F., Henderson, Kentucky;

An act to amend an act, entitled "An act to incorporate the Bank of Mayfield," approved March 10, 1870;

An act to incorporate the Hopkinsville Car Manufacturing Company;

An act to declare Upper Twin Branch, in Lawrence county, a navigable stream;

An act to amend an act, entitled "An act to amend an act incorporating the town of Calvert City, in Marshall county;"

An act to amend the charter of the town of Carlisle, in Nicholas county;

Resolution appointing a joint committee for certain purposes;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the town of Crofton, in Christian county;

An act for the benefit of Elizabeth M. Johnson;

An act for the benefit of Simon Humphreys, late sheriff of Nelson county, and his sureties;

An act to repeal an act approved March 11th, 1871, declaring Roundstone creek, in Rockcastle county, a navigable stream;

An act for the benefit of Isaac N. Webb, jailer of Harrison county;

An act for the benefit of Emily S. Tucker, an idiot of Wayne county;

An act for the benefit of A. W. Dudley and D. M. Bowen, citizens of Franklin county;

An act to prohibit the sale of spirituous, vinous, or malt liquors in Glasgow Junction precinct, in Barren county;

An act to prevent the sale of spirituous liquors near Harmony Church, in Garrard county;

An act to prohibit the sale of ardent spirits in Headquarters, Nicholas county;

An act for the benefit of school district No. 5, in Ballard county;

An act to amend an act, entitled "An act for the benefit of common school district No. 12, in Woodford county;"

An act to amend an act to cause good school-houses to be erected in the 8th and 9th Congressional Districts;

An act in relation to the Murray Male and Female Institute, in common school district No. 35, in Calloway county;

An act for the benefit of common school district No. 8, in Harrison county;

An act to require the owners of stock scales in Boone county to have and keep test weights;

And had found the same truly enrolled.

Said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

Mr. Talbott, from the Committee on Railroads, to whom had been referred a bill, entitled

A bill for the relief of the stockholders of the Evansville, Henderson, and Nashville Railroad Company,

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the holders of the certificates of the capital stock of the Evansville, Henderson, and Nashville Railroad Company, which company has been consolidated with the former Edgefield and Kentucky Railroad Company, and with other railroad companies, forming a through line from St. Louis to Nashville, under the name of the St. Louis and Southeastern Railway Company (consolidated), shall, upon exchanging their said certificates of stock, whether common or preferred, for similar certificates of equal amounts in said consolidated company, become entitled to and invested with all the rights and privileges in the said consolidated company, which belonged to them

as stockholders of the said Evansville, Henderson, and Nashville Railroad Company.

§ 2. That, notwithstanding the said consolidation, the several counties and cities who shall have subscribed to the stock of the said Evansville, Henderson, and Nashville Railroad Company, shall have the same right to receive stock from the said consolidated company as they had to receive it from the said Evansville, Henderson, and Nashville Railroad Company.

§ 3. That the limitation upon the power of the said Evansville, Henderson, and Nashville Railroad Company to issue mortgage bonds, contained in section ten of the act of its incorporation, passed 27th January, 1867, is hereby modified so as to legalize any issues of mortgage bonds of the said consolidated company to an extent not exceeding twenty-one thousand dollars per mile of the track of its railroad.

§ 4. This act shall take effect immediately.

Mr. Campbell then moved to amend said bill as follows, viz:

Add to the bill the following additional section, making it the 4th, and the 4th the 5th:

§ 4. That anything embraced and contained in this act shall not be held or construed as in any way affecting the rights and interest of Christian county as a stockholder in the Evansville, Henderson, and Nashville Railroad Company; nor shall anything in this act embraced and contained be held or construed as in any way affecting any suit or suits heretofore instituted and now pending in the name of Christian county against the said Evansville, Henderson, and Nashville Railroad Company, or said Evansville, Henderson, and Nashville Railroad Company and others, as defendants, in any court, or which may hereafter be instituted in the name of Christian county, or in the name of said county and others, against the said Evansville, Henderson, and Nashville Railroad Company and others, for the purpose and objects of protecting and maintaining the rights and interest of Christian county as a stockholder in the said Evansville, Henderson, and Nashville Railroad Company.

Mr. Frazer then moved to amend the amendment proposed by Mr. Campbell as follows, viz:

After the word "company," in third line, and before the word "nor," add the words "nor any stockholder in said Evansville, Henderson, and Nashville Railroad Company who voted against said consolidation, or who failed to vote for said consolidation as claimed by this act."

Pending the consideration of which, the Senate adjourned.

THURSDAY, FEBRUARY 6, 1873.

Hon. G. A. C. Holt presiding.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to increase the salaries of the Superintendent of Public Instruction and his clerk.

2. An act for the benefit of N. E. Hobbs, of Mercer county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Education, and the 2d to the Committee on the Judiciary.

The following petitions were presented, viz:

By Mr. Cooper—

1. The petition of Samuel Salyer, praying the passage of an act making John P. Salyer his legal heir.

By Mr. Whitaker—

2. The petition of B. G. Moss, praying the passage of an act for the benefit of B. G. Moss, deceased.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Revised Statutes and Codes of Practice, and the 2d to the Committee on Finance.

Bills from the House of Representatives, of the following titles, were reported by Mr. Chelf from the Committee on Revised Statutes and Codes of Practice, to whom they had been referred, viz:

An act to amend the charter of the town of West Point, in Hardin county.

An act to incorporate the town of Springville, in Greenup county.

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

An act in relation to the transfer of the property of the Harrison Academy to the city of Cynthiana.

An act to amend the charter of the town of Georgetown.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported by Mr. Chelf from the Committee on Revised Statutes and Codes of Practice, to whom they had been referred, viz:

A bill in relation to the collection of delinquent taxes that may be owing to the county of Nelson.

A bill to exempt the counties of Estill and Lee from the provisions of section 14, chapter 67, of the Revised Statutes.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Levi Jones, of Greenup county,

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Levi Jones, of Greenup county, be, and he is hereby, restored to all the rights and privileges of citizenship and suffrage.

§ 2. This act shall take effect from its passage.

Mr. Boyd moved to amend said bill as follows, viz:

After the words "Levi Jones, of Greenup county," insert the name of "Greenup B. McCracken, of Laurel county."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Boyd and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	John E. Cooper,	H. S. Hale,
E. P. Campbell,	W. McKee Fox,	Edwin Hawes,
James B. Casey,	W. W. Frazer,	J. B. Haydon,
Wm. L. Conklin,	Jesse C. Gilbert,	O. D. McManama—12.

Those who voted in the negative, were—

John S. Barlow,	D. R. Haggard,	K. F. Prichard,
W. H. Chelf,	Thomas F. Hargis,	E. D. Standiford,
Harrison Cockrill,	G. A. C. Holt,	A. G. Talbott,
F. W. Darby,	William Johnson,	W. L. Vories,
J. H. Dorman,	A. L. Martin,	Ben. J. Webb,
William P. Duvall,	A. L. McAfee,	Emery Whitaker—20.
John J. Gatewood,	Alfred T. Pope,	

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Boyd and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

James B. Casey,	John J. Gatewood,	O. D. McManama,
Harrison Cockrill,	Jesse C. Gilbert,	K. F. Prichard,
Wm. L. Conklin,	D. R. Haggard,	W. H. Sneed,
John E. Cooper,	H. S. Hale,	E. D. Standiford,
F. W. Darby,	Thomas F. Hargis,	A. G. Talbott,
J. H. Dorman,	J. B. Haydon,	W. L. Vories,
William P. Duvall,	G. A. C. Holt,	Ben. J. Webb,
W. W. Frazer,	A. L. Martin,	Emery Whitaker—24.

Those who voted in the negative, were—

John S. Barlow,	W. H. Chelf,	Wm. Johnson,
Robert Boyd,	W. McKee Fox,	Alfred T. Pope—8.
E. P. Campbell,	Edwin Hawes,	

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in that body, entitled

An act to incorporate the Tradewater Navigation and Manufacturing Company.

Which was granted, and the bill delivered to the messenger.

Senate bill, entitled

An act authorizing the county court of Bullitt county to grant a tavern license to Charles Rufer,

Was withdrawn from the House of Representatives, and handed in at the Clerk's desk.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to regulate the time of holding circuit courts in the counties of Nicholas and Mason;

An act to regulate the time of holding circuit courts in the 15th judicial district;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend and reduce into one the several acts concerning the town of Madisonville;

An act to provide for indexing certain records of the circuit courts, criminal courts, chancery courts, courts of common pleas, and county courts;

An act in relation to the town of South Carrollton;

An act for the various school districts in Hancock county;

An act to amend the charter of Jefferson College at Jeffersontown;

An act to amend an act, entitled "An act to incorporate the Richmond Cemetery Company," approved January 25, 1848;

An act to amend the charter of the Diamond Coal, Mining, and Manufacturing Company;

An act to amend an act, entitled "An act to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons;"

An act legalizing oral testimony in certain cases in Paducah;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Fox—

1. A bill to amend the charter of the Agricultural and Mechanical Association of Pulaski county.

On motion of Mr. Wm. Johnson—

2. A bill to change the time of holding circuit courts in the 9th judicial district.

On motion of Mr. Barlow—

3. A bill supplemental to an act approved 5th February, 1873, providing for the erection of a Third Lunatic Asylum.

Ordered, That the Committee on Agriculture and Manufactures

prepare and bring in the 1st; the Committee on Courts of Justice the 2d, and the Committee on Charitable Institutions the 3d.

Mr. Vories moved the following resolution, viz:

Resolved, That one additional member be added to the committee raised to investigate certain charges against the Superintendent of the Feeble-minded Institute.

Which was adopted.

Whereupon Mr. Sneed was added to said committee.

The Senate, according to order, took up for consideration a bill, which originated in the House of Representatives, entitled

An act authorizing rewards for killing wolves, red foxes, grey foxes, and wild cats.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	William P. Duvall,	Alfred T. Pope,
James B. Casey,	Jesse C. Gilbert,	K. F. Prichard,
W. H. Chelf,	D. R. Haggard,	W. H. Sneed,
James F. Clay,	Thomas F. Hargis,	E. D. Standiford,
Harrison Cockrill,	Edwin Hawes,	A. G. Talbott,
G. W. Connor,	G. A. C. Holt,	W. L. Vories,
John E. Cooper,	A. L. Martin,	Emery Whitaker—23.
F. W. Darby,	O. D. McManama,	

Those who voted in the negative, were—

John S. Barlow,	W. McKee Fox,	H. S. Hale,
E. P. Campbell,	W. W. Frazer,	J. B. Haydon,
Wm. L. Conklin,	John J. Gatewood,	William Johnson—10.
J. H. Dorman,		

Resolved, That the title of said bill be as aforesaid.

Mr. Cooper then moved to reconsider the vote by which the Senate had passed said bill.

Mr. Martin moved to lay said motion on the table.

And the question being taken thereon, it was decided in the affirmative.

The Senate then resumed the consideration of a bill, entitled

A bill for the relief of the stockholders of the Evansville, Henderson, and Nashville Railroad Company.

Pending the consideration of which, the Senate adjourned.

FRIDAY, FEBRUARY 7, 1873.

Hon. G. A. C. Holt presiding.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, of the following title, viz:

An act for the benefit of John Ewell, jailer of McCracken county.

That they had passed bills of the following titles, viz:

1. An act to amend an act concerning county courts.

2. An act amending an act approved February 26th, 1862, entitled "An act to amend the Revised Statutes in regard to filling vacancies in the office of sheriff."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Courts of Justice, and the 2d to the Committee on Revised Statutes and Codes of Practice.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, January 4, 1873.

Gentlemen of the Senate:

I nominate for your advice and consent George Poindexter, to be one of the Board of Managers of the Western Lunatic Asylum, the term for which he was heretofore appointed having expired first January, 1873.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nomination.

Another message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, February 7, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

Bryan H. Allen, Jefferson county.

John Coleman, jr., Jefferson county.

Edmund Rapp, Jefferson county.
A. E. Wilson, Jefferson county.
H. C. Walbeck, Jefferson county.
John Hubble, Campbell county.
Q. Q. Quigley, McCracken county.
A. J. Francis, Kenton county.
John W. Boulden, Bourbon county.
R. H. Martin, Taylor county.
Eli H. Brown, Daviess county.
Geo. W. Jolly, Daviess county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

A message was also received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to provide for the location and erection of the Third Lunatic Asylum, and the enlargement of the Western Lunatic Asylum.

An act to amend an act, entitled "An act to amend an act incorporating the town of Calvert City, in Marshall county."

An act to incorporate the Strangers' Rest Lodge, No. 13, I. O. O. F., Henderson, Kentucky.

An act to declare Upper Twin Branch, in Lawrence county, a navigable stream.

An act to amend the charter of the town of Carlisle, in Nicholas county.

An act partitioning the Fairfield and Samuels' Depot Turnpike Road, and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company and the Samuels' Depot and Cox's Creek Turnpike Road Company.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice—

1. A bill to amend the charter of the city of Hopkinsville.

By same—

2. A bill to amend section 77 of the Civil Code of Practice.

By same—

3. A bill to incorporate the Wilson Coal and Mining Company.

By Mr. Webb, from the Committee on Religion and Morals—

4. A bill to incorporate the St. Catherine's Convent of Sisters of Mercy.

By Mr. Sneed, from the Committee on Revised Statutes and Codes of Practice—

5. A bill to amend the charter of the Frankfort Lumber, Brick, and Implement Manufacturing Company.

By Mr. Talbott, from the Committee on Charitable Institutions—

6. A bill for the benefit of the Kentucky Institution for the Education of the Blind.

By Mr. Martin, from the Committee on Education—

7. A bill for the benefit of common schools of Perry county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 6th was postponed until to-morrow at 10 o'clock, and the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Dorman, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous, vinous, or malt liquors in the Clintonville precinct, of Bourbon county.

By Mr. Hawes, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Pleasant Grove Church or school-house, at the fork of Stinson creek, in Carter county.

By same—

An act to prohibit the sale of spirituous liquors in the town of Powersville, Bracken county.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to authorize the county court of Whitley county to issue bonds to raise funds for county purposes.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hawes, from the Committee on Religion and Morals, to whom was referred a bill, together with sundry amendments proposed thereto, entitled

A bill to prohibit the sale of liquors on the Sabbath day,

Reported the same without amendment.

Ordered, That the further consideration of said bill be postponed until Tuesday next, 11th inst.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their passage of bills, which originated in that body, of the following titles, viz:

An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of Kentucky.

An act to incorporate the St. Joseph's Catholic Benevolent Society, of Frankfort.

An act to incorporate the town of Stantonville, in Mason county.

Which bills were delivered to the respective messengers.

The Senate resumed the consideration of a bill, entitled

A bill for the relief of the stockholders of the Evansville, Henderson, and Nashville Railroad Company.

[*See bill and amendments on pages* 226 *and* 227 *of this Journal.*]

The question was then taken on the adoption of the amendment heretofore proposed by Mr. Frazer to the amendment proposed by Mr. Campbell, and it was decided in the affirmative.

The question was then taken on the adoption of the amendment proposed by Mr. Campbell, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Campbell and Clay, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	G. A. C. Holt,
Robert Boyd,	Jesse C. Gilbert,	William Johnson,
E. P. Campbell,	H. S. Hale,	Alfred T. Pope,
W. H. Chelf,	Thomas F. Hargis,	W. H. Sneed,
Wm. L. Conklin,	Edwin Hawes,	Ben. J. Webb,
J. H. Dorman,	J. B. Haydon,	Emery Whitaker—19.
W. W. Frazer,		

Those who voted in the negative, were—

R. A. Burton,	F. W. Darby,	O. D. McMahama,
James B. Casey,	William P. Duvall,	K. F. Prichard,
James F. Clay,	W. McKee Fox,	E. D. Standiford,

Harrison Cockrill, A. L. Martin, A. G. Talbott,
G. W. Connor, A. L. McAfee, W. L. Vories—16.
John E. Cooper,

Ordered, That said bill be read a third time.

At a quarter to one o'clock, P. M., Mr. Fox moved an adjournment.

And the question being taken thereon, it was decided in the negative.

Mr. McManama then moved to postpone the further consideration of said bill until Tuesday next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McManama and Holt, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton, John E. Cooper, A. L. Martin,
James B. Casey, F. W. Darby, A. L. McAfee,
James F. Clay, W. McKee Fox, O. D. McManama,
G. W. Connor, H. S. Hale, A. G. Talbott—12.

Those who voted in the negative, were—

John S. Barlow, W. W. Frazer, Alfred T. Pope,
Robert Boyd, John J. Gatewood, K. F. Prichard,
E. P. Campbell, Jesse C. Gilbert, W. H. Sneed,
W. H. Chelf, Thomas F. Hargis, E. D. Standiford,
Harrison Cockrill, Edwin Hawes, W. L. Vories,
Wm. L. Conklin, J. B. Haydon, Ben. J. Webb,
J. H. Dorman, G. A. C. Holt, Emery Whitaker—23.
William P. Duvall, William Johnson,

Mr. Campbell then moved to dispense with the third reading of said bill, with a view of putting said bill on its passage.

And the question being taken thereon, it was decided in the negative, four fifths not having voted therefor, as required by a rule of the Senate.

The yeas and nays being required thereon by Messrs. Clay and McManama, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, William P. Duvall, G. A. C. Holt,
Robert Boyd, W. W. Frazer, Wm. Johnson,
E. P. Campbell, John J. Gatewood, W. H. Sneed,
W. H. Chelf, Thomas F. Hargis, Ben. J. Webb,
Wm. L. Conklin, Edwin Hawes, Emery Whitaker—17.
J. H. Dorman, J. B. Haydon,

Those who voted in the negative, were—

R. A. Burton, F. W. Darby, O. D. McManama,
James B. Casey, W. McKee Fox, Alfred T. Pope,

James F. Clay,	Jesse C. Gilbert,	K. F. Prichard,
Harrison Cockrill,	H. S. Hale,	E. D. Standiford,
G. W. Connor,	A. L. Martin,	A. G. Talbott,
John E. Cooper,	A. L. McAfee,	W. L. Vories—18.

On motion of Mr. Chelf,

Ordered, That said bill be read a third time on to-morrow at half-past ten o'clock, A. M.

On motion, indefinite leave of absence was granted to Mr. Boyd.

The Senate took up for consideration a bill, entitled

A bill to establish a Bureau of Immigration.

On motion,

Ordered, That the further consideration of said bill be postponed until Wednesday next, the 12th inst.

Leave was given to bring in the following bills, viz:

On motion of Mr. Dorman—

1. A bill authorizing the judge of the Owen county court to convey the Owen County Seminary.

On motion of Mr. McManama—

2. A bill for the benefit of John M. Curry, ex-sheriff of Pendleton county.

On motion of Mr. Prichard—

3. A bill to incorporate the Mountain Railroad, Mining, and Manufacturing Company.

On motion of same—

4. A bill to amend section 665, title 13, of the Civil Code of Practice.

On motion of Mr. Martin—

5. A bill for the benefit of H. I. Todd.

On motion of Mr. Vories—

6. A bill for the benefit of the Lagrange and Shelbyville Turnpike Road Company.

Ordered, That the Committee on Courts of Justice be directed to prepare and bring in the 1st; the Committee on Railroads the 3d; the Committee on the Judiciary the 4th and 5th; the Committee on Internal Improvement the 6th, and that a select committee, composed of Messrs. McManama, Casey, and Clay, be requested to prepare and bring in the 2d.

And then the Senate adjourned.

SATURDAY, FEBRUARY 8, 1873.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act for the benefit of Charles M. Thruston, clerk of the Jefferson county court.

That they had passed bills of the following titles, viz:

1. An act to amend an act, entitled "An act to regulate sales made under decrees of the Barren circuit court."

2. An act to repeal an act, entitled "An act to repeal an act to organize Urania district, in Barren county."

3. An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of Kentucky.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 2d to the Committee on the Judiciary, and the 3d was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act for the benefit of, and to reincorporate, the Norton Iron Works.

An act for the benefit of Levi Yocum, sheriff elect of Montgomery county.

An act for the benefit of W. E. Duncan, late sheriff of Warren county, and his sureties.

An act for the benefit of John DeHart, of Elliott county.

An act to incorporate the Louisville College of Pharmacy.

An act for the benefit of Marshall Morris, of Grayson county.

An act to amend an act approved March 18, 1872, entitled "An act to incorporate the Church House for Females and Infirmary for the Sick."

An act to amend the charter of the Tug Fork Lead, Iron, Salt, and Oil Mining and Manufacturing Company, approved 27th February, 1865.

An act to amend an act incorporating the town of Greensburg.

An act to authorize the Louisville Club of the city of Louisville to change its name to the Beargrass Club.

An act for the benefit of Joseph Robinson, late sheriff of Franklin county.

An act to incorporate the Hopkinsville Car Manufacturing Company.

An act for the benefit of J. M. Curry, late sheriff of Pendleton county, and his sureties.

An act to incorporate the town of Dulaney, in Caldwell county.

An act for the benefit of A. Q. Baker, late sheriff of Boone county.

An act to amend an act, entitled "An act to incorporate the Bank of Mayfield," approved March 10th, 1870.

An act to regulate the time of holding circuit courts in the 15th judicial district.

Resolution appointing a joint committee for certain purposes.

Mr. Prichard moved the following resolution, viz:

Whereas, A committee has been raised upon the part of the Senate to investigate charges against Dr. Black, Superintendent of the Feeble-minded Institute; and whereas, it appears that before the passage of said resolution the said charges were being thoroughly investigated by a committee of the House of Representatives, who are still continuing said investigation; now, therefore, be it

Resolved, That the House of Representatives be requested to furnish the Senate with the report of their said committee of investigation when made, together with all testimony of every kind taken before said committee, and that the committee aforesaid raised by the Senate be discharged from any further action under said resolution.

The question was taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

James F. Clay,	Jesse C. Gilbert,	A. L. McAfee,
Harrison Cockrill,	D. R. Haggard,	Alfred T. Pope,
John E. Cooper,	H. S. Hale,	K. F. Prichard,
William P. Duvall,	Edwin Hawes,	W. H. Sneed,
W. W. Frazer,	G. A. C. Holt,	W. L. Vories,
John J. Gatewood,	A. L. Martin,	Ben. J. Webb—18.

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	J. B. Haydon,
R. A. Burton,	J. H. Dorman,	A. G. Talbott,
E. P. Campbell,	W. McKee Fox,	Emery Whitaker—10.
Wm. L. Conklin,		

The Senate, according to order, took up for consideration a bill, entitled

A bill for the relief of the stockholders of the Evansville, Henderson, and Nashville Railroad Company.

Said bill was read a third time.

[*See bill and amendments on pages* 226 *and* 227 *of this Journal.*]

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a bill, which originated in the Senate, entitled

An act authorizing the county court of Bullitt county to grant a tavern license to Chas. Rufer.

On motion of Mr. Haydon,

Ordered, That the further consideration of said bill be postponed, and made the special order of the day for Thursday next, the 13th inst.

The Senate, according to order, took up for consideration a bill, entitled

A bill for the benefit of the Kentucky Institution for the Education of the Blind.

Ordered, That said bill be recommitted to the Committee on Charitable Institutions.

Mr. Talbott then moved the following resolution, viz:

Resolved, That a committee of three be appointed by the Speaker, whose duty it shall be to visit the Institution of the Blind, and inquire into the necessity of an expenditure of the sum asked for in a bill now pending in the Senate, and that said committee make report thereon at the earliest day practicable.

Which was adopted.

The Senate took up for consideration a bill, entitled

A bill to amend chapter 47 of the Revised Statutes, entitled "Husband and Wife."

Sundry amendments were proposed to said bill.

Which were adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McAfee presented a communication from the mayor and city council of Lexington in relation to the removal of the seat of government.

Which was read, and referred to the Committee on Propositions and Grievances.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Martin, from the Committee on Education—

An act for the benefit of school district No. 1, in Letcher county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Collier Mining and Manufacturing Company.

By same—

An act to incorporate the Muhlenburg Coal and Iron Company.

By same—

An act to incorporate the Guylena Mining and Manufacturing Company.

By same—

An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to incorporate the same under the name of the Howland Coal and Iron Works.

By same—

An act to incorporate the Caseyville Coal and Transportation Company.

By same—

An act to amend an act, entitled "An act to incorporate the

Boone Mining and Manufacturing Company," approved February 16th, 1866.

By Mr. Gatewood, from the Committee on Education—

An act for the benefit of colored public schools at Bowling Green.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to fix the time of holding terms of circuit courts in the 10th judicial district.

By same—

An act to empower the Edmonson county court to levy an additional tax, and issue bonds to build a court-house.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act for the benefit of John Hill, of Madison county.

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to incorporate Walton Lodge, No. 183, of the Independent Order of Odd Fellows.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Talbott, from the Committee on Charitable Institutions, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to incorporate Phantom Lodge, No. 15, of the Knights of Pythias,

Reported the same, with the expression of opinion that said bill ought not to pass.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James B. Lloyd, B. P. Watkins, George C. Snyder, John M. Shryock, Wm. B. Till, Thomas Foreman, William Farley, G. D. Wilson, P. B. Dudley, George H. Shoenberger, John W. Wolenberg, E. A. Short, Y. M. Sayre, and their associates, be, and they are hereby, created a body corporate, by the name of Phantom Lodge, No. 15, of the Knights of Pythias; and they and their associates and successors shall so continue, and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same break, alter, or amend at pleasure; they

may make and ordain regulations and by-laws for their government, and may alter, change, or renew the same at pleasure: *Provided*, Such by-laws be not in conflict with the constitution, laws, and regulations of the Grand Lodge of Knights of Pythias of the State of Kentucky, of the Constitution and laws of the United States, or of this Commonwealth.

§ 2. Said lodge shall have the power to hold and own personal property the same as a natural person, and may acquire and hold real estate, not exceeding thirty thousand dollars in value; and may, from time to time, sell and dispose of the same, or any part thereof, at pleasure, with power to reinvest the proceeds in real estate in their discretion, and again to sell and dispose of same as before.

§ 3. The right to alter, amend, or repeal this act is reserved to the General Assembly.

§ 4. This act shall take effect from and after its passage.

The question was then taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hale and Chelf, were as follows, viz:

Those who voted in the affirmative, were—

W. H. Chelf,	J. H. Dorman,	W. H. Sneed,
Harrison Cockrill,	D. R. Haggard,	W. L. Vories,
John E. Cooper,	A. L. Martin,	Ben. J. Webb—10.
F. W. Darby,		

Those who voted in the negative, were—

John S. Barlow,	John J. Gatewood,	Alfred T. Pope,
R. A. Burton,	Jesse C. Gilbert,	K. F. Prichard,
E. P. Campbell,	Edwin Hawes,	A. G. Talbott,
Wm. L. Conklin,	G. A. C. Holt,	Emery Whitaker—13.
W. W. Frazer,		

So said bill was disagreed to.

Mr. Talbott, from the Committee on Charitable Institutions, to whom had also been referred a bill, which originated in the House of Representatives, entitled

An act to incorporate the Society Franco-American of Mutual Assistance of the city of Paducah,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Mr. Pope, from the Committee on the Judiciary, to whom was referred a bill, entitled

A bill to incorporate the Spring Station Railway Company,

Reported the same with sundry amendments.

Which were adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act to authorize the trustees of the Cincinnati Southern Railway to acquire the right of way and to extend a line of railway through certain counties in this Commonwealth."

An act to legalize certain acts, contracts, and proceedings of the common council of the city of Paducah.

An act to amend the charter of the city of Paducah.

An act in relation to roads in Breckinridge county.

An act to change the time of holding courts in the 7th judicial district.

An act for the benefit of Dr. T. B. Jefferson, of Trigg county.

An act for the benefit of W. H. Jefferson, jailer of Trigg county.

An act to amend an act to require the clerk of the Louisville chancery court to make a cross-index to suits and cross-suits, and to continue the same, approved March 2d, 1872.

An act to amend the law in relation to porters for the public offices.

An act in relation to the Murray Male and Female Institute, in common school district No. 35, in Calloway county.

An act to prohibit the sale of spirituous, vinous, or malt liquors in Glasgow Junction precinct, in Barren county.

An act to prohibit the sale of ardent spirits in Headquarters, Nicholas county.

An act to amend an act, entitled "An act for the benefit of common school district No. 12, in Woodford county."

An act for the benefit of A. W. Dudley and D. M. Bowen, citizens of Franklin county.

An act to prevent the sale of spirituous liquors near Harmony Church, in Garrard county.

An act for the benefit of Elizabeth M. Johnson.

An act for the benefit of Emily S. Tucker, an idiot of Wayne county.

An act for the benefit of common school district No. 8, in Harrison county.

An act to repeal an act approved March 11th, 1871, declaring Roundstone creek, in Rockcastle county, a navigable stream.

An act to incorporate the town of Crofton, in Christian county.

An act for the benefit of school district No. 5, in Ballard county.

An act for the benefit of Simon Humphreys, late sheriff of Nelson county, and his sureties.

An act to amend an act to cause good school-houses to be erected in the 8th and 9th Congressional Districts.

An act to require the owners of stock scales in Boone county to have and keep test weights.

An act for the benefit of Isaac N. Webb, jailer of Harrison county.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Pope, from the Committee on the Judiciary—

1. A bill to authorize sales and conveyances by trustees under a power.

By same—

2. A bill respecting companies organized and to be organized under an act, entitled "An act to provide for the organization and regulation of incorporated companies, except banking, insurance, and railroad companies," approved March 15th, 1870.

By same—

3. A bill to amend an act, entitled "An act to incorporate the Second Presbyterian Church of the city of Louisville."

By same—

4. A bill in relation to the fees of officers in certain cases.

By same—

5. A bill for the benefit of Nancy Edwards, an idiot of Lawrence county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

6. A bill to incorporate the Eclipse Woolen Mills.

By same—

7. A bill to incorporate the River Transportation Company.

By Mr. Haggard, from the Committee on Propositions and Grievances—

8. A bill for the benefit of Daviess county.

By same—

9. A bill to authorize the county court of Cumberland county to establish ferries across Cumberland river, in said county.

By same—

10. A bill for the benefit of H. C. Parrish, of Barren county.

By Mr. Conklin, from the Committee on Finance—

11. A bill to amend an act, entitled "An act to incorporate Cecilian College, in Hardin county," approved January 25th, 1867.

By same—

12. A bill for the benefit of the Maysville and Lexington Railroad, Northern Division.

By same—

13. A bill to amend an act approved March 28th, 1872, authorizing sheriffs to sell real estate to pay revenue taxes.

By Mr. Talbott, from the Committee on Charitable Institutions—

14. A bill to charter the Owenton Cemetery Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be printed, and made the special order of the day for Tuesday next, the 11th inst.; the 2d was ordered to be printed, and made the special order of the day for Wednesday next, the 12th inst.; the 4th and 13th were ordered to be printed, and placed in the orders of the day, and all the rest were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—

1. A bill to amend the charter of the Merchants' Insurance Company.

On motion of Mr. Sneed—

2. A bill to amend the charter of the Kentucky River Navigation Company.

On motion of Mr. Vories—

3. A bill for the benefit of the Kentucky River Navigation Company

Ordered, That the Committee on Banks and Insurance prepare and bring in the 1st, and the Committee on Internal Improvement the 2d and 3d.

Mr. Vories moved the following resolution, viz:

Resolved, That Rule 81 be suspended for the balance of the session.

Mr. Vories then moved to suspend the rule requiring said resolution to lie one day on the table.

Pending the consideration of which motion, Mr. Whitaker moved that the Senate do now adjourn.

Which motion was adopted.

MONDAY, FEBRUARY 10, 1873.

Hon. G. A. C. Holt presiding.

A message was received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of common school district No. 59, in Bath county.

An act for the benefit of W. M. Gray, of Trigg county.

An act for the benefit of the German Evangelical St. Paul Church, of Paducah.

An act for the benefit of R. W. Williams, of Christian county.

An act to amend an act, entitled "An act to incorporate the Shelbyville Cemetery Company," approved March 1st, 1854.

An act for the benefit of Eli H. Murray.

An act to incorporate the Webster County Chalybeate and Sulphur Springs Company.

An act to amend the charter of the Fox Run and Bullskin Turnpike Road Company, in Shelby county.

An act for the benefit of Wilson Morgan, collector of the revenue of Clay county, and his sureties.

An act for the benefit of Fleming county.

An act to incorporate the Harrodsburg and Baton Rouge Turnpike Road Company, in Mercer county.

An act to incorporate the Nevada and Dixville Turnpike Road Company, in Mercer county.

An act for the various school districts in Hancock county.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to amend the charter of Adairsville.

2. An act to amend the charter of the Orangeburg and Tollsboro Turnpike Road, in Mason county.

3. An act to incorporate the Cairo and Tennessee River Railroad Company.

4. An act to incorporate the Tradewater Navigation and Manufacturing Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Revised Statutes and Codes of Practice; the 2d to the Committee on Internal Improvement; the 3d to the Committee on Railroads, and the 4th to the Committee on Agriculture and Manufactures.

The following petitions were presented, viz:

By Mr. Cooper—

1. The petition of sundry citizens of Lee county, praying the passage of an act allowing J. M. Thomas, late sheriff of said county, further time to pay in the revenue of said county for 1873.

By Mr. Pope—

2. The petition of the Board of Trade of Louisville, praying the passage of an act to authorize sales and conveyances by trustees under a power, and an act to regulate the negotiability and defense of notes.

By Mr. Frazer—

3. The petition of sundry citizens of the town of Elkton, praying the repeal of all laws heretofore passed incorporating said town.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Finance; the 2d was ordered to be printed, and referred to the Committee on the Judiciary, and the 3d was referred to the Committee on Propositions and Grievances.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of S. A. Walker, of Graves county.

By same—

An act for the benefit of Charles Kirtley, assignee of James M. Durham, of Rockcastle county.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to change the time of holding the Lee county quarterly courts.

By same—

An act to authorize the court of claims of Oldham county to levy a tax for the erection of a new jail.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act to facilitate the collection of taxes in the city of Paducah.

By same—

An act to authorize the Ballard county court to increase the taxes to pay off the debts hereafter created by said county.

By Mr. McManama, from the Committee on Courts of Justice—

An act for the benefit of Washington county, authorizing the county court of said county to levy and collect taxes to pay its present indebtedness.

By same—

An act to legalize certain orders and proceedings of the Larue county court.

By Mr. Darby, from the Committee on Courts of Justice—

An act authorizing and empowering the levy court, or court of claims, of Magoffin county, to increase the county levy, and to levy an *ad valorem* tax.

By same—

An act for the benefit of Clinton county court of claims.

By Mr. Sneed, from the Committee on Education—

An act to amend the act incorporating the Vanceburg Male and Female Academy.

By Mr. Frazer, from the Committee on Education—

An act for the benefit of school districts Nos. 22 and 73, in Madison county.

By same—

An act to establish free schools for the colored people in Hancock county.

By same—

An act to create a new school district in Clinton county.

By same—

An act to amend the charter of the Harrisburg Seminary.

By same—

An act to change the name of the Catlettsburg Normal Academy to that of the East Kentucky Normal Academy.

By same—

An act to amend an act, and the amendments thereto, incorporating the school board of the city of Covington.

By Mr. Martin, from the Committee on Education.

An act for the benefit of school district No. 5, in Garrard county.

By same—

An act for the benefit of school district No. 47, in Clay county.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

An act to exempt undertakers from serving on juries.

By same—

An act to incorporate the Mt. Sterling Water-works Company.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Rush Branch Coal, Iron, Mining Lumbering, and Manufacturing Company, in Morgan county.

By same—

An act to incorporate the Fleming Coal Company.

By same—

An act to incorporate the World's Fair Association, of Woodford county.

By Mr. Sneed, from the Committee on Education—

An act for the benefit of common schools in Jessamine county.

By same—

An act for the benefit of school districts Nos. 5 and 8, in Livingston county.

By Mr. Frazer, from the Committee on Education—

An act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts,'" approved March 13th, 1872.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

An act to amend an act to incorporate the city of Cynthiana, approved January 22d, 1868.

By same—

An act to amend the town charter of Lebanon.

With amendments to the last five named bills.

Which were adopted.

Ordered, That said bills, the last five as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Talbott, from a select committee—

A bill to promote the science of anatomy and surgery.

By same—

A bill to amend an act, entitled "An act in relation to official sales in Boyle and Lincoln counties," approved March 7th, 1871.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to authorize the city of Hickman to subscribe and pay for stock in the Mississippi River Levee Company.

By same—

A bill to amend section 621 of the Civil Code of Practice.

By Mr. Whitaker, from the Committee on Courts of Justice—

A bill to legalize the official actions of William W. White, deputy clerk of the Clay circuit court.

By Mr. McManama, from the Committee on Courts of Justice—

A bill authorizing the judge of the Owen county court to convey the Owen County Seminary.

By Mr. Frazer, from the Committee on Education—

A bill to amend an act to incorporate Alexander College in the town of Burksville.

By Mr. Martin, from the Committee on Library and Public Buildings and Offices—

A bill to authorize the Pike county court to issue bonds for courthouse and other purposes.

By same—

A bill authorizing an additional examiner in Floyd county.

By same—

A bill to define the boundary line of the town of Prestonsburg, and submitting to a vote of the citizens thereof the question of regulating the sale of spirituous and vinous liquors therein.

By same—

A bill to authorize William A. Varney to erect a mill-dam across Pond creek, in Pike county.

By Mr. Talbott, from the Committee on Railroads—

A bill to amend an act, entitled "An act to incorporate the Maysville, Flemingsburg Coal and Iron Region Railway Company."

By same—

A bill to authorize the county court of Knox county to guarantee the right of way through said county to the first company making a railroad through said county.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

A bill to require the clerk of the Wolfe circuit court to index and cross-index certain judgment and order-books in his office.

By same—

A bill to incorporate Greensburg Lodge of Free and Accepted York Masons.

By same—

A bill to incorporate Cox Lodge, No. 464, of Ancient York Masons.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the first named bill was ordered to be printed, and made the special order of the day for Thursday next, the 13th inst., and all the rest were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Frazer, from the Committee on Education, to whom was referred the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to charter the Owenton High School,

Reported the same, with the expression of opinion that said amendment should be concurred in.

And the question being taken thereon, it was decided in the affirmative.

Mr. Barlow, from the Committee on Claims, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of S. C. Cardwell and Daniel Moore, of Mercer county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	O. D. McManama,
R. A. Burton,	W. W. Frazer,	Alfred T. Pope,
W. H. Chelf,	Jesse C. Gilbert,	K. F. Prichard,
Harrison Cockrill,	D. R. Haggard,	W. H. Sneed,
Wm. L. Conklin,	H. S. Hale,	A. G. Talbott,
G. W. Connor,	Edwin Hawes,	W. L. Vories,
John E. Cooper,	G. A. C. Holt,	Ben. J. Webb,
F. W. Darby,	A. L. Martin,	Emery Whitaker—25.
J. H. Dorman,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. Frazer, from the Committee on Education, to whom was referred the petition of sundry citizens of school district No. 5, in Barren county, asked to be discharged from the further consideration of said petition.

Which was granted.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Frazer, from the Committee on Education, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of school districts Nos. 10 and 47, in Jefferson county,

Reported the same with an amendment.

Which was adopted.

Said bill, as amended, reads as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	O. D. McManama,
R. A. Burton,	William P. Duvall,	Alfred T. Pope,
W. H. Chelf,	W. W. Frazer,	K. F. Prichard,
Harrison Cockrill,	H. S. Hale,	W. H. Sneed,
Wm. L. Conklin,	Edwin Hawes,	A. G. Talbott,
G. W. Connor,	G. A. C. Holt,	Ben. J. Webb,
John E. Cooper,	A. L. Martin,	Emery Whitaker—22.
F. W. Darby,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to protect the owners of breeding and training farms and stables.

Ordered, That said bill be referred to the Committee on Agriculture and Manufactures.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Winchester Building and Accumulating Fund Association, of Winchester.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

On motion of Mr. Gilbert, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Society Franco-American of Mutual Assistance of the city of Paducah.

After a short time, said bill was handed in at the Clerk's desk, and motion to reconsider entered only.

In pursuance of a resolution adopted a few days since, in relation to the appointment of a committee to visit the Blind Asylum at Louisville, Messrs. Talbott, Whitaker, and Gilbert were by the Speaker appointed said committee.

Mr. Gilbert moved the following resolution, viz:

Whereas, The act of March 9th, 1854, entitled "An act for the incorporation of voluntary associations," and the act of March 15th, 1870, entitled "An act to provide for the organization and regulation of incorporated companies, except banking, insurance, and railroad companies," have been so amended and changed at various times as to require a search through numerous volumes of the Session Acts in order to know what powers and privileges are conferred upon such associations and companies; and whereas, Rule 81 of the Senate declares, "it shall not be in order to entertain any bill for the incorporation of any company, in cases where the same is now, or shall hereafter be, authorized or provided for by general laws." Now, to avoid the delay occasioned by discussion of this rule, and to save the expense to the State of passing and printing bills already provided for by general law, be it

Resolved, That the Committee on the Judiciary be requested to have printed and furnished to the members of this General Assembly two hundred copies of the general laws now in force in regard to the organization, powers, and privileges of such associations and companies.

Ordered, That the further consideration of said resolution be postponed until Wednesday, the 12th inst.

Mr. Vories moved the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be requested to report the names and residence of each one of the Auditor's agents acting under the law creating the office of agent of the Auditor, and amendments thereto; also report in detail each claim that has been reported or prosecuted by such agent since January 1st, 1872, up to this date, showing the name of the agent, the amount claimed, of

whom, and on what account, and under what law the claim is made; what claims have been paid into the Treasury, the amount of compensation paid to the several agents, the suits now pending, and for what amount, in what court, and the name or names of the agent or agents at whose instance such suits have been instituted; to investigate the accounts or reports of clerks of the circuit and county courts and trustees of the jury fund.

Which was adopted.

Mr. Conklin moved the following resolution, viz:

Resolved, That the Committee on Charitable Institutions be instructed to inquire into the propriety of appointing the Superintendents of the charitable institutions of the State by the Governor, with the advice and consent of the Senate; and that they also inquire into the propriety of appointing agents for the State to examine, audit, and settle the accounts of said institutions, and make monthly reports of the settlements to the Governor; and that they report by bill or otherwise at as early a day as practicable.

Which was adopted.

Leave was given to bring in the following bills, viz:

On motion of Mr. Prichard—

1. A bill to amend the charter of the city of Frankfort.

On motion of Mr. Dorman—

2. A bill to incorporte the Christian Church at Warsaw.

On motion of Mr. Prichard—

3. A bill for the benefit of the Big Sandy Telegraph Company.

On motion of Mr. Sneed—

4. A bill to incorporate Franklin Lodge, No. 17, Knights of Pythias.

On motion of Mr. Frazer—

5. A bill for the benefit of John Grumbly, of Todd county.

On motion of Mr. Hale—

6. A bill to amend section 33, chapter 24, Revised Statutes.

Ordered, That the Committee on Library and Public Buildings and Offices prepare and bring in the 1st; the Committee on Revised Statutes and Codes of Practice the 2d, 4th, and 6th; the Committee on the Judiciary the 3d, and the Committee on Propositions and Grievances the 5th.

And then the Senate adjourned.

TUESDAY, FEBRUARY 11, 1873.

Hon. G. A. C. Holt presiding.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, of the following title, viz:

An act to charter the Barren County Bank.

With an amendment thereto, which was placed in the orders of the day.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz

1. An act for the benefit of the Farmers' Bank of Kentucky.

2. An act to amend an act, entitled "An act to incorporate the Louisville Stock and Bond Board."

3. An act in relation to the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company.

4. An act in relation to the county levy in Lewis county, and the collection of the same.

5. An act authorizing the Lewis county court to levy an additional tax to pay off the debts of said county to aid in the building of turnpike roads in said county.

6. An act in relation to the assessment and collection of turnpike taxes in Lewis county.

7. An act authorizing the Lewis county court, at the court of claims, to levy a tax to repair the jail in Lewis county, or building a new jail and jailer's house in said county.

8. An act for the benefit of Richard W., and Lizzie B. Lockhart, of Ballard county.

9. An act to amend an act, entitled "An act to regulate the sale and storage of illuminating oils made from coal, petroleum, and other bituminous substances, &c.," approved March 26th, 1870.

10. An act to prevent the killing of birds in Garrard county.

11. An act to amend an act, entitled "An act to incorporate the Paint Lick and High Point Turnpike Road Company, in Madison county."

12. An act for the benefit of Sallie Stagner, of Madison county.

13. An act to increase the powers of the corporate authorities of the towns of Georgetown and Monticello.

14. An act to incorporate the Covington Printing Company.

15. An act to amend an act, entitled "An act to incorporate the First German Savings Bank, of Louisville."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 15th to the Committee on Banks and Insurance; the 2d, 9th, 10th, and 13th to the Committee on the Judiciary; the 3d and 11th to the Committee on Internal Improvement; the 4th, 5th, 6th, 7th, and 8th to the Committee on Courts of Justice; the 12th to the Committee on Claims, and the 14th to the Committee on Agriculture and Manufactures.

Mr. Haggard presented the petition of A. H. Kinninmouth, praying the passage of an act allowing him pay for keeping and supporting a pauper lunatic.

Which was received, the reading dispensed with, and referred to the Committee on Claims.

The Senate, according to order, took up for consideration a bill, entitled

A bill to authorize sales and conveyances by trustee under a power.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate also took up for consideration a bill, entitled

A bill to prohibit the sale of liquors on the Sabbath day,

Together with various amendments which had been proposed thereto, exempting certain cities, districts, and counties from the provisions of the bill.

After some discussion had on the bill and proposed amendments, Mr. Martin moved to lay said bill and proposed amendments on the table.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person who is licensed to sell, shall sell or give,

or cause to be sold or given, to any person in any quantity, wine, spirituous, or malt liquors of any kind, or the mixture of either, on the Christian Sabbath day, except for medicinal purposes, upon the written prescription of a practicing physician, shall be deemed guilty of a misdemeanor, and fined not less than fifty dollars for the first offense, and one hundred dollars for the second or any subsequent offense.

§ 2. Magistrates shall have concurrent jurisdiction with the circuit court to try and fine offenders under this act, which shall be given in charge to the grand jury by the several circuit judges of this Commonwealth at each term of their respective courts; but no indictment in trials before magistrates shall be necessary.

§ 3. Fines arising under this act shall be applied and paid over in the same manner that fines for selling spirituous liquors to minors are, and the same per cent. and attorney's fee shall be allowed the prosecutor under this act as are now allowed under said act relative to minors.

§ 4. This act shall take effect sixty days after its passage.

The question was then taken on laying said bill on the table, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Vories and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	William P. Duvall,	A. L. Martin,
Harrison Cockrill,	W. McKee Fox,	Alfred T. Pope,
G. W. Connor,	Jesse C. Gilbert,	E. D. Standiford,
John E. Cooper,	D. R. Haggard,	Ben. J. Webb—14.
F. W. Darby,	G. A. C. Holt,	

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	W. H. Sneed,
W. H. Chelf,	Edwin Hawes,	A. G. Talbott,
Wm. L. Conklin,	A. L. McAfee,	W. L. Vories,
J. H. Dorman,	O. D. McManama,	Emery Whitaker—14.
W. W. Frazer,	K. F. Prichard,	

So said bill was rejected.

The Senate also took up for consideration a bill, entitled

A bill to prohibit the carrying of concealed deadly weapons.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person shall carry concealed a deadly weapon upon or about their person other than an ordinary pocket-knife, such person shall, upon indictment and conviction, be fined not less than fifty nor more than five hundred dollars, or imprisoned in the county jail for not less than ten days nor more than six months, or be both so fined and imprisoned, within the discretion of the court or jury trying the case.

§2. That it shall be the duty of all ministerial officers in this State to apprehend such violator within their knowledge of this act, and to take such persons before a county judge, justice of the peace, or police or city judge, of the county in which said offense was committed; and if said justice, police or city judge, shall, upon hearing the evidence, believe such accused person guilty of the offense charged, he shall require such accused person to give such bail as will insure his or her appearance at the next term of the circuit court for said county, to answer any indictment found against him or her in said court for said offense.

§3. If any such officer shall knowingly and willfully fail or refuse to discharge the duties imposed and required of him under this act, he shall, upon indictment found by the grand jury of his county, and on conviction, be fined in a sum of not less than one hundred nor more than five hundred dollars.

§4. That an act approved March 10, 1854, and an act approved March 22, 1871, each entitled "An act to prohibit the carrying of concealed deadly weapons," are hereby repealed when this act takes effect. But nothing herein shall be construed as exempting any person from any penalty, forfeiture, or punishment incurred before this act takes effect; and any penalty, forfeiture, or punishment incurred before this act takes effect, shall be enforced under the now existing laws, and the proceedings thereon shall be under the laws now in force.

§5. That if judgment shall be confessed under this act, the penalty shall be the highest punishment imposed herein.

§6. This act shall be in force from and after sixty days from its passage.

The amendment heretofore proposed by Mr. Whitaker reads as follows, viz:

Amend the first section of the bill by striking out all after the word "than," in the fourth line, and insert in lieu thereof the following: "Twenty-five nor more than one hundred dollars, and imprisoned in the county jail for not less than ten nor more than thirty days, in the discretion of the court or jury trying the case."

Mr. Prichard then moved to lay said bill and proposed amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McManama and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

Harrison Cockrill, F. W. Darby, K. F. Prichard—3.

Those who voted in the negative, were—

John S. Barlow, Jesse C. Gilbert, O. D. McManama,
R. A. Burton, D. R. Haggard, Alfred T. Pope,
W. H. Chelf, H. S. Hale, W. H. Sneed,

Wm. L. Conklin,	Edwin Hawes,	E. D. Standiford,
John E. Cooper,	G. A. C. Holt,	A. G. Talbott,
J. H. Dorman,	William Johnson,	Ben. J. Webb,
William P. Duvall,	A. L. Martin,	Emery Whitaker—23.
W. W. Frazer,	A. L. McAfee,	

The question was then taken on the adoption of the amendment proposed by Mr. Whitaker, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	O. D. McManama,
R. A. Burton,	H. S. Hale,	Alfred T. Pope,
John E. Cooper,	Edwin Hawes,	W. H. Sneed,
J. H. Dorman,	G. A. C. Holt,	A. G. Talbott,
William P. Duvall,	A. L. Martin,	Ben. J. Webb,
W. W. Frazer,	A. L. McAfee,	Emery Whitaker—19.
Jesse C. Gilbert,		

Those who voted in the negative, were—

W. H. Chelf,	F. W. Darby,	E. D. Standiford,
Harrison Cockrill,	William Johnson,	W. L. Vories—8.
Wm. L. Conklin,	K. F. Prichard,	

Mr. Conklin then moved to amend said bill as follows, viz:

Section 2, line 4, after the word "said," and before the word "justice," insert the words "county judge," and after the word "justice," same line, and before the word "police," insert the words "of the peace."

Mr. Wm. Johnson then moved to amend the amendment proposed by Mr. Conklin by substituting in lieu thereof the following, viz:

Amend section 2 by striking out all after "a," in the 3d line, and insert in lieu thereof the following: "Magistrates of the county, who shall proceed as directed by the Criminal Code regulating proceedings in examining courts."

And the question being taken thereon, it was decided in the affirmative.

Mr. Conklin then moved to further amend said bill as follows, viz:

Section 5, line 2, strike out the word "punishment," and insert in lieu thereof the words "pecuniary penalty."

And the question being taken thereon, it was decided in the negative.

Mr. Darby then moved to amend said bill by adding thereto the following additional section, viz:

That the carrying of concealed deadly weapons shall be legal in the following cases:

1. Where the person carrying has reasonable grounds to believe his person, or the person of some of his family, or his property, is in danger from violence or crime.

2. Where sheriffs, constables, marshals, or policemen carry such weapons as are necessary to their protection in the efficient discharge of their duty.

3. Where persons are required by their business or occupation to travel during the night, the carrying of such concealed weapon during such travel.

Mr. Prichard then moved a division of the amendment proposed by Mr. Darby, there being three different classes referred to.

Which was adopted.

The question was then taken on the adoption of the first class referred to, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Prichard and McManama, were as follows, viz:

Those who voted in the affirmative, were—

Harrison Cockrill,	H. S. Hale,	E. D. Standiford,
F. W. Darby,	A. L. McAfee,	W. L. Vories—8.
Jesse C. Gilbert,	K. F. Prichard,	

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	O. D. McManama,
R. A. Burton,	D. R. Haggard,	Alfred T. Pope,
W. H. Chelf,	Edwin Hawes,	W. H. Sneed,
Wm. L. Conklin,	G. A. C. Holt,	A. G. Talbott,
John E. Cooper,	William Johnson,	Ben. J. Webb,
J. H. Dorman,	A. L. Martin,	Emery Whitaker—19.
William P. Duvall,		

The question was then taken on the adoption of the second class referred to, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Prichard and McManama, were as follows, viz:

Those who voted in the affirmative, were—

F. W. Darby,	H. S. Hale,	A. L. McAfee,
W. W. Frazer,	Edwin Hawes,	K. F. Prichard—7.
Jesse C. Gilbert,		

Those who voted in the negative, were—

John S. Barlow,	William P. Duvall,	W. H. Sneed,
R. A. Burton,	D. R. Haggard,	E. D. Standiford,
W. H. Chelf,	G. A. C. Holt,	A. G. Talbott,
Harrison Cockrill,	Wm. Johnson,	W. L. Vories,
Wm. L. Conklin,	A. L. Martin,	Ben. J. Webb,
John E. Cooper,	O. D. McManama,	Emery Whitaker—20.
J. H. Dorman,	Alfred T. Pope,	

Mr. Darby, by permission, withdrew the other portion of his proposed amendment.

Ordered, That said bill be read a third time.

The question was then taken on dispensing with the third reading of said bill, and it was decided in the negative, four fifths not having voted therefor.

On motion,

Ordered, That said bill have its third reading on to-morrow.

Mr. Gilbert, from the Committee on Courts of Justice, reported a bill, entitled

A bill to amend article 25, chapter 28, of the Revised Statutes.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be printed, and placed in the orders of the day.

Mr. Cockrill moved the following resolution, viz:

Resolved, That the Committee on the Judiciary be, and they are hereby, requested to inquire into the legality or right of the present General Assembly to redistrict the State into Senatorial and Representative Districts, and report by bill or otherwise.

Which was adopted.

Indefinite leave of absence was granted Messrs. John W. Johnson and Campbell.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Charles M. Thruston, clerk of the Jefferson county court;

An act for the benefit of John Ewell, jailer of McCracken county;

An act to charter the Owenton High School;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Levi Jones, of Greenup county;

An act to prohibit the sale of spirituous, vinous, or malt liquors in the Clintonville precinct, of Bourbon county;

An act to prohibit the sale of spirituous liquors in the town of Powersville, Bracken county;

An act authorizing rewards for killing wolves, red foxes, grey foxes, and wild cats;

An act to amend the charter of the town of Georgetown;

An act in relation to the transfer of the property of the Harrison Academy to the city of Cynthiana;

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county;"

An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of Kentucky;

An act to amend the charter of the town of West Point, in Hardin county;

An act to authorize the county court of Whitley county to issue bonds to raise funds for county purposes;

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Pleasant Grove Church or school-house, at the fork of Stinson creek, in Carter county;

An act for the benefit of school district No. 1, in Letcher county;

An act for the benefit of John Hill, of Madison county;

An act for the benefit of colored public schools at Bowling Green;

An act to empower the Edmonson county court to levy an additional tax, and issue bonds to build a court-house;

An act for the benefit of the town of Springville, in Greenup county;

An act to incorporate the Collier Mining and Manufacturing Company;

An act to amend an act, entitled "An act to incorporate the Boone Mining and Manufacturing Company," approved February 16th, 1866;

An act to fix the time of holding terms of circuit courts in the 10th judicial district;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Prichard—

1. A bill to incorporate Lodge No. 199, Independent Order of Odd Fellows.

On motion of Mr. Pope—

2. A bill to incorporate the Central University.

On motion of Mr. Webb—

3. A bill to charter the Bell Mine Coal and Transportation Company.

On motion of same—

4. A bill to incorporate the National Pipe Contract Company.

On motion of Mr. Standiford—

5. A bill to incorporate the Central University of Kentucky.

On motion of same—

6. A bill to amend the charter of the Citizens' Passenger Railway Company, of Louisville.

On motion of Mr. Darby—

7. A bill to incorporate the Pomeroy Coal Company.

On motion of Mr. Cooper—

8. A bill to re-enact and continue in force an act, entitled "An act for the benefit of A. W. Nickell, late sheriff of Johnson county, and his securities," approved February 3d, 1871.

On motion of same—

9. A bill to define and locate the boundary lines of common school district No. 5, in Breathitt county.

On motion of same—

10. A bill for the benefit of Farish Arnett, sheriff of Magoffin county.

Ordered, That the Committee on Charitable Institutions prepare and bring in the 1st; the Committee on Agriculture and Manufactures the 2d, 3d, 4th, and 7th; the Committee on Education the 5th and 9th; the Committee on Courts of Justice the 8th; the Committee on Revised Statutes and Codes of Practic the 10th, and a select committee, consisting of Messrs. Webb, Pope, and Standiford, the 6th.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 12, 1873.

Hon. G. A. C. Holt presiding.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, of the following title, viz:

An act to amend an act to incorporate the Laboring Man's Loan and Aid Association, of Louisville," approved March 15th, 1869.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act to incorporate the Richmond Cemetery Company," approved January 25, 1848.

An act to amend the charter of Jefferson College at Jeffersontown.

An act to amend an act, entitled "An act to incorporate Augusta Lodge, No. 80, of Free and Accepted Masons."

An act in relation to the town of South Carrollton.

An act legalizing oral testimony in certain cases in Paducah.

An act to amend the charter of the Diamond Coal Mining and Manufacturing Company.

An act to provide for indexing certain records of the circuit courts, criminal courts, chancery courts, courts of common pleas, and county courts.

The following named bills, which originated in the House of Representatives, have become laws without the signature of the Governor, viz:

An act to incorporate the Riverton Savings Bank.

An act to incorporate the Merchants' Banking Company, of Caverna.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz

1. An act to amend the charter of the Boone Bridge Company.

2. An act to authorize the Whitley county court to sell certain lands.

3. An act for the benefit of the sureties of Wm. Cummins, late sheriff of Whitley county.

4. An act to protect the interest of the Commonwealth of Kentucky in certain cases.

5. An act to authorize the mayor of the city of Louisville to subscribe in the name and for and in behalf of said city, for ten thousand additional shares of the capital stock of the Elizabethtown and Paducah Railroad Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 4th to the Committee on the Judiciary, and the 2d, 3d, and 5th were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following petitions were presented, viz:

By Mr. Prichard—

1. The petition of sundry citizens of Morgan county, praying the passage of an act authorizing J. E. Cooper, of Morgan county, to build a bridge across Licking river, in said county, near the town of West Liberty.

By Mr. Pope—

2. The petition of the stockholders of the People's Building and Loan Association, praying the passage of an act amending the charter of said association.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Internal Improvement, and the 2d to the Committee on the Judiciary.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

1. A bill to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum," approved 5th day of February, 1865.

By Mr. Sneed, from the Committee on Finance—

2. A bill for the benefit of A. C. Bowman, late sheriff of Breathitt county, and his sureties.

By Mr. Pope, from the Committee on the Judiciary—

3. A bill to amend an act, entitled "An act to amend the charter of the Bank of Ashland, and incorporate the Bank of Shelbyville," approved February 24th, 1869.

By Mr. Talbott, from the Committee on Railroads—

4. A bill to incorporate the Harlan County Mining and Railroad Company.

By Mr. Conklin, from the Committee on Finance—

5. A bill for the benefit of Hugh Barclay, jr., of Logan county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be printed, and made the special order of the day for Tuesday next, the 18th inst.; the 2d was made the special order of the day for to-morrow, the 13th, at 11 o'clock; the 4th was made the special order of the day for to-morrow at 12 o'clock, and the 3d and 5th were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend the revenue laws of this Commonwealth,

Together with the amendments heretofore proposed.

Ordered, That said bill and proposed amendments be referred to the Committee on Finance.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in that body, entitled

An act for the benefit of Bryantsville and Cane Run Turnpike Road Company.

Which was granted, and the bill delivered to the messenger.

The Senate took up for consideration an engrossed bill, entitled

An act to prohibit the carrying of concealed deadly weapons.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, If any person shall carry concealed a deadly weapon upon or about his person other than an ordinary pocket-knife, such

person shall, upon indictment and conviction, be fined not less than twenty-five nor more than one hundred dollars, and imprisoned in the county jail for not less than ten nor more than thirty days, in the discretion of the court, when the law and the facts are submitted to the court or jury trying the case."

§ 2. It shall be the duty of all ministerial officers in this State to apprehend such violator within their knowledge of this act, and to take such persons before a magistrate of the county, who shall proceed as directed by the Criminal Code regulating proceedings in examining courts.

§ 3. If any such officer shall knowingly and willfully fail or refuse to discharge the duties imposed and required of him under this act, he shall, upon indictment found by the grand jury of his county, and on conviction, be fined in a sum of not less than one hundred nor more than five hundred dollars.

§ 4. That an act approved March 10, 1854, and an act approved March 22, 1871, each entitled "An act to prohibit the carrying of concealed deadly weapons," are hereby repealed when this act takes effect. But nothing herein shall be construed as exempting any person from any penalty, forfeiture, or punishment incurred before this act takes effect; and any penalty, forfeiture, or punishment incurred before this act takes effect, shall be enforced under the now existing laws, and the proceedings thereon shall be under the laws now in force.

§ 5. That if judgment shall be confessed under this act, the penalty shall be the highest punishment imposed herein.

§ 6. This act shall be in force from and after sixty days from its passage.

After some discussion had on the merits of the bill, Mr. Cooper moved the previous question.

And the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	O. D. McManama,
R. A. Burton,	D. R. Haggard,	Alfred T. Pope,
W. H. Chelf,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	Edwin Hawes,	A. G. Talbott,
J. H. Dorman,	J. B. Haydon,	Ben. J. Webb,
William P. Duvall,	G. A. C. Holt,	Emery Whitaker—20.
W. W. Frazer,	Wm. Johnson,	

Those who voted in the negative, were—

Harrison Cockrill,	H. S. Hale,	E. D. Standiford,
Wm. L. Conklin,	A. L. McAfee,	W. L. Vories—8.
G. W. Connor,	K. F. Prichard,	

Resolved, That the title of said bill be as aforesaid.

On motion, indefinite leave of absence was granted to Messrs. Gatewood and Cockrill.

And then the Senate adjourned.

THURSDAY, FEBRUARY 13, 1873.

Hon. G. A. C. Holt presiding.

A message was received from the House of Representatives, announcing their concurrence in amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of school districts Nos. 5 and 28, in Livingston county.

An act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts,'" approved March 13th, 1872.

An act to amend an act to incorporate the city of Cynthiana, approved January 22d, 1868.

An act to amend the town charter of Lebanon.

That they had disagreed to the passage of a bill, which originated in the Senate, of the following title, viz:

An act for the benefit of E. W. Hughes, of Logan county.

That they had passed bills of the following titles, viz:

1. An act to amend section 1, article 26, chapter 27, Revised Statutes.

2. An act for the benefit of Lewis F. Marshall, sheriff of Ballard county.

3. An act to incorporate the Ashland and Catlettsburg Street Railway and Transfer Company.

4. An act for the benefit of Samuel Cowen, jailer of Boone county.

5. An act to prohibit the sale of spirituous liquors in the town of Caverna.

6. An act to amend the charter of the city of Louisville.

7. An act for the benefit of the city of Louisville.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Revised Statutes and Codes of Practice; the 2d and 4th to the Committee on Finance; the 5th to the Committee on Religion and Morals, and the 3d, 6th, and 7th to the Committee on the Judiciary.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Standiford, from the Committee on Internal Improvement—

1. A bill to authorize John E. Cooper, of Morgan county, to build a mill-dam across Licking river, in Morgan county.

By Mr. Cockrill, from the Committee on Internal Improvement—

2. A bill for the benefit of T. P. Cardwell, of Breathitt county.

By Mr. Conklin, from the Committee on Revised Statutes and Codes of Practice—

3. A bill to amend chapter 84, title "Roads and Passways," of the Revised Statutes.

By Mr. Cockrill, from the Committee on Finance—

4. A bill providing for the collection of the revenue tax and county levy, for the years 1872 and 1873, for Clay and Breathitt counties.

By Mr. Prichard, from the Committee on the Judiciary—

5. A bill to amend section 665, title 13, of the Civil Code of Practice, on evidence.

By Mr. Talbott, from the Committee on Railroads—

6. A bill to authorize any county in this State that has heretofore voted subscription to any railroad company to transfer the same to any other railroad companies.

By Mr. Standiford, from the Committee on Railroads—

7. A bill to incorporate the Short Route Railway Transfer Company.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

8. A bill to incorporate the Central University.

By same—

9. A bill to incorporate the National Pipe Contract Company.

By same—

10. A bill to incorporate the Stanford Coal Company.

By Mr. Webb, from a select committee—

11. A bill to amend the charter of the Citizens' Passenger Railway Company, of Louisville.

By Mr. Whitaker, from the Committee on Banks and Insurance—

12. A bill to amend the charter of the Merchants' Bank of Kentucky, and the act amendatory thereof, approved March 3d, 1860.

By Mr. Pope, from the Committee on Banks and Insurance—

13. A bill to amend an act incorporating the Merchants' Insurance Company, approved February 28th, 1860.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 3d was recommitted to the Committee on Finance; the 6th was ordered to be printed, and made the special order of the day for Wednesday, 19th inst., and all the rest were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Standiford, from the Committee on Internal Improvement—

1. An act to amend the charter of the Frankfort and Flat Creek Turnpike Road Company.

By Mr. Pope, from the Committee on the Judiciary—

2. An act to amend the charter of the Boone Bridge Company.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

3. An act to incorporate the Victor Coal Mining Company.

By same—

4. An act to amend an act, entitled "An act to incorporate the Marble City Mining and Manufacturing Company."

By Mr. Barlow, from the Committee on Claims—

5. An act for the benefit of Sallie Stagner, of Madison county.

By same—

6. An act for the benefit of Stephen Nethercutt, of Carter county.

By same—

7. An act for the benefit of M. S. Napier.

By same—

8 An act for the benefit of Marcus Devary, of Clark county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

9. An act to protect the owners of breeding and training farms and stables.

By Mr. Hawes, from the Committee on Religion and Morals—

10. An act to prohibit the sale of ardent spirits in Lee county.

With amendments to the last named bill.

Which were adopted.

Ordered, That the 9th of the foregoing bills be printed, and placed in the orders of the day, and that the rest be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to amend an act approved March 28th, 1872, authorizing sheriffs to sell real estate to pay revenue taxes.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate also took up for consideration a bill, entitled

A bill to authorize railroad companies incorporated by the laws of this Commonwealth to execute, issue, and sell their mortgage bonds, and to secure the payment thereof by executing mortgages upon their property, rights, and franchises.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate also took up for consideration a bill, entitled

A bill to incorporate the Harlan County Mining and Railroad Company.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hale moved to suspend the operations of Rule 81 for this day only.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gilbert and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

James B. Casey,	F. W. Darby,	J. B. Haydon,
W. H. Chelf,	J. H. Dorman,	E. D. Standiford,
Harrison Cockrill,	William P. Duvall,	A. G. Talbott,
G. W. Connor,	H. S. Hale,	Ben. J. Webb—13.
John E. Cooper,		

Those who voted in the negative, were—

John S. Barlow,	Thomas F. Hargis,	Alfred T. Pope,
R. A. Burton,	Edwin Hawes,	K. F. Prichard,
Wm. L. Conklin,	G. A. C. Holt,	W. H. Sneed,
Jesse C. Gilbert,	Wm. Johnson,	Emery Whitaker—14.
D. R. Haggard,	A. L. McAfee,	

The Senate, according to order, took up for consideration a bill, entitled

A bill to promote the science of anatomy and surgery.

Amendments to said bill were proposed by Messrs. Haggard and Standiford.

Mr. Hawes moved to lay said bill and proposed amendments on the table.

And the question being taken thereon, it was decided in the negative.

Ordered, That said bill and proposed amendments be recommitted to the select committee reporting the bill.

Ordered, That Mr. Haggard be added to the aforesaid committee.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate had passed a bill, entitled

An act authorizing the county court of Bullitt county to grant a tavern license to Chas. Rufer.

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the negative.

So said bill was rejected.

The Senate took up for consideration a bill, entitled

A bill respecting companies organized and to be organized under an act, entitled "An act to provide for the organization and regulation of incorporated companies, except banking, insurance, and railroad companies," approved March 15th, 1870.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate also took up for consideration a bill, entitled

A bill for the benefit of A. C. Bowman, late sheriff of Breathitt county, and his sureties.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of school district No. 5, in Garrard county;

An act to amend the act incorporating the Vanceburg Male and Female Academy;

An act to exempt undertakers from serving on juries;

An act for the benefit of Charles Kirtley, assignee of James M. Durham, of Rockcastle county;

An act for the benefit of S. C. Cardwell and Daniel Moore, of Mercer county;

An act to amend an act, and the amendments thereto, incorporating the school board of the city of Covington;

An act for the benefit of school districts Nos. 22 and 73, in Madison county;

An act to create a new school district in Clinton county;

An act for the benefit of school district No. 47, in Clay county;

An act to change the name of the Catlettsburg Normal Academy to that of the East Kentucky Normal Academy;

An act to amend the charter of the Harrisburg Seminary;

An act to establish free schools for the colored people in Hancock county;

An act for the benefit of S. A. Walker, of Graves county;

An act to incorporate the Caseyville Coal and Transportation Company;

An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to incorporate the same under the name of the Howland Coal and Iron Works;

An act to incorporate the Guylena Mining and Manufacturing Company;

An act to incorporate the Fleming Coal Company;

An act to incorporate the Muhlenburg Coal and Iron Company;

An act to incorporate Walton Lodge, No. 183, of the Independent Order of Odd Fellows;

An act to amend the town charter of Lebanon;

An act for the benefit of Washington county, authorizing the county court of said county to levy and collect taxes to pay its present indebtedness;

An act to change the time of holding the Lee county quarterly courts;

An act to authorize the court of claims of Oldham county to levy a tax for the erection of a new jail;

An act to legalize certain orders and proceedings of the Larue county court;

An act for the benefit of Clinton county court of claims;

An act to authorize the mayor of the city of Louisville to subscribe in the name and for and in behalf of said city, for ten thousand additional shares of the capital stock of the Elizabethtown and Paducah Railroad Company;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

The following petitions were presented, viz:

By Mr. Holt—

1. The petition of Irena Curd, praying the passage of an act for the benefit of Charles E. Curd.

By same—

2. The petition of Anton Sontag, praying the passage of certain laws to encourage immigration.

By Mr. Conklin—

3. The petition of sundry citizens of Breckinridge county, praying the passage of an act prohibiting the sale of spirituous liquors in Hudsonville, Constantine, and Cross Roads, or within six miles of either of them.

By Mr. Chelf—

4. The petition of sundry citizens of Green county, praying the passage of an act prohibiting the sale of spirituous liquors in the town of Greensburg.

By Mr. Haggard—

5. The petition of the trustees of school district No. 28, in Clinton county, praying the passage of an act for the benefit of said district.

By same—

6. The petition of sundry citizens of Albany, praying the passage of an act authorizing W. F. Harrison to issue his small notes to be used for change.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Courts of Justice; the 2d to the Committee on Immigration and Labor; the 3d and 4th to the Committee on Religion and Morals; the 5th to the Committee on Education, and the 6th to the Committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On motion of Mr. McAfee—

1. A bill to amend the charter of the Mount Freedom and Jessamine County Turnpike Road Company.

On motion of Mr. Connor—

2. A bill to incorporate the Scuffleton Fence Company.

On motion of Mr. Prichard—

3. A bill to grant to the Chicago Nitro-Glycerin Company the privilege of erecting works for the manufacture of Nitro-Glycerin within fifty yards of the corporate limits of West Liberty, in Morgan county.

On motion of Mr. Talbott—

4. A bill to amend an act, entitled "An act to incorporate the Elizabethtown, Lexington, and Big Sandy Railroad Company," approved January 29th, 1869, and the amendments thereto.

On motion of Mr. Casey—

5. A bill authorizing the State of Kentucky to cede jurisdiction to the United States over the land necessary for post-office and other offices for the use of the United States officials in Covington.

On motion of Mr. Standiford—

6. A bill to provide for indexing certain records in the Jefferson circuit court.

On motion of Mr. Cockrill—

7. A bill to amend section 4, article 3, chapter 15, Revised Statutes.

On motion of Mr. McAfee—

8. A bill for the benefit of J. D. Lawless, of Grant county.

On motion of Mr. Dorman—

9. A bill to establish a criminal court in the 11th judicial district.

Ordered, That the Committee on Internal Improvement prepare and bring in the 1st; the Committee on the Judiciary the 2d and 6th; the Committee on Agriculture and Manufactures the 3d; the Committee on Railroads the 4th; a select committee, consisting of Messrs. Pope, Whitaker, and Casey, the 5th; the Committee on Revised Statutes and Codes of Practice the 7th; the Committee on Religion and Morals the 8th, and the Committee on Courts of Justice the 9th.

And then the Senate adjourned.

FRIDAY, FEBRUARY 14, 1873.

Hon. John G. Carlisle presiding.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Chas. G. Ragan, sheriff of Montgomery county.

An act for the benefit of Daviess county.

An act providing for the collection of the revenue tax and county levy, for the years 1872 and 1873, for Clay and Breathitt counties.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to amend an act, entitled "An act to incorporate the town of Marshall, in Bath county."

2. An act for the benefit of the marshal of Mt. Sterling.

3. An act to authorize certain counties in this Commonwealth to levy a tax and pay for right of way and depot grounds for Cincinnati Southern Railway.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 2d to the Committee on Revised Statutes and Codes of Practice, and the 3d to the Committee on Railroads.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

State of Kentucky, Executive Department,
Frankfort, February 13, 1873.

Gentlemen of the Senate and House of Representatives:

I have the honor, in accordance with request, to transmit a copy of the proceedings of a public meeting of the citizens of Frankfort and Franklin county, held in this city the 10th instant. The request is coupled with one that I shall make such remarks as I may deem proper under the circumstances. In my annual message, page 13, under the head of criminal law and the courts, I took occasion to call your attention to this general subject, and to recommend legislative action for the better detection, apprehension, and punishment of

the class of offenders denounced by this meeting, and I know not how I can do more than to cite you again to those remarks, and recommend them to your earnest consideration. In doing so, I must be permitted to express the gratification with which I have witnessed this very prompt and unanimous expression of the people of Frankfort and Franklin county in condemnation of lawlessness in all its forms. It tends to remove the impression which may have gone abroad that they are indifferent to such acts, and as an organization of public sentiment, will, I am confident, go far to aid the law in their thorough suppression.

Respectfully,

P. H. LESLIE.

Ordered, That said message be referred to the Committee on Courts of Justice.

A message was also received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to regulate the time of holding circuit courts in the counties of Nicholas and Rowan.

An act for the benefit of Charles M. Thruston, clerk of the Jefferson county court.

An act for the benefit of John Ewell, jailer of McCracken county.

The following memorial and petitions were presented, viz:

By Mr. Pope—

1. Memorial of the directors of the Children's Home and Polytechnic Academy at the falls of the Ohio.

By Mr. Hale—

2. The petition of sundry citizens of school district No. 2, in Hickman county, praying the repeal of an act approved March 10th, 1871, for the benefit of said district.

By Mr. Haggard—

3. The petition of W. A. Waldthall, of Cumberland county, praying the passage of an act allowing him compensation for forage, &c., taken from him by State troops during the late war.

By same—

4. The petition of Captain Huddleston, of Cumberland county, praying the passage of an act compensating him for certain services rendered the State during the late war.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Immigration and Labor; the 2d to the

Committee on Education, and the 3d and 4th to the Committee on Military Affairs.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

An act in relation to the county levy in Lewis county, and the collection of the same.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act authorizing the Lewis county court, at the court of claims, to levy a tax to repair the old jail in Lewis county, or building a new jail and jailer's house in said county.

By same—

An act for the benefit of the jailer of Lawrence county.

By Mr. Darby, from the Committee on Courts of Justice—

An act to amend an act to reduce into one all previous acts incorporating the town of Woodville, in the counties of McCracken and Ballard.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to amend the charter of the Bagdad and Harrisonville Turnpike Road Company, in Shelby county.

By same—

An act for the benefit of the West Point and Elizabethtown Turnpike Company.

By same—

An act to amend an act incorporating the Concord and Tollsboro Turnpike Road Company.

By same—

An act to incorporate the Covington Printing Company.

By same—

An act amending an act, entitled "An act to incorporate the Vanceburg, Quincy, and Springville Turnpike Road Company," approved February 18th, 1869.

By same—

An act to amend an act, entitled "An act to incorporate the Salt Lick, Esculapia, and Mount Carmel Turnpike Road Company," approved March 9th, 1867.

By same—

An act to amend an act, entitled "An act to incorporate the

Vanceburg, Quick's Run, and Concord Turnpike Road Company," approved December 17th, 1867.

By Mr. Wm Johnson, from the Committee on the Judiciary—

An act to amend the charter of the city of Louisville.

By same—

An act for the benefit of the city of Louisville.

By same—

An act to legalize the proceedings of the Metcalfe county court at its June term, 1869.

By same—

An act to amend an act, entitled "An act to incorporate the Louisville Stock and Bond Board," approved March 18th, 1872.

By Mr. Prichard, from the Committee on the Judiciary—

An act to empower Division No. 129 to convey lot.

By same—

An act to prevent the killing of birds in Garrard county.

By same—

An act to amend an act, entitled "An act to regulate the sale and storage of illuminating oils made from coal, petroleum, and other bituminous substances, &c.," approved March 26th, 1870.

With amendments to the last two named bills.

Which were adopted.

Ordered, That said bills, the last two as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Haggard, from the Committee on Claims—

A bill for the benefit of Andrew Raney, of Estill county.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872.

By Mr. Darby, from the Committee on Courts of Justice—

A bill to amend an act, entitled "An act to amend and reduce into one the several acts respecting the town of Hickman," approved March 10th, 1854.

By Mr. Standiford, from the Committee on Internal Improvement—

A bill for the benefit of the Lagrange and Shelbyville Turnpike Road Company.

By Mr. Duvall, from the Committee on Internal Improvement—

A bill to amend the charter of the Mount Freedom and Jessamine County Turnpike Road Company.

By Mr. Prichard, from the Committee on the Judiciary—

A bill for the benefit of the Big Sandy Telegraph Company.

By Mr. Hargis, from the Committee on the Judiciary—

A bill for the benefit of the Headquarters and Steel's Run Turnpike Road Company.

By Mr. Conklin, from the Committee on Revised Statutes and Codes of Practice—

A bill to empower the Grayson county court to levy an additional tax to build a new jail.

By Mr. Standiford, from the Committee on Internal Improvement—

A bill for the benefit of citizens of foreign birth in municipal elections.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last named bill was ordered to be printed, and made the special order of the day for to-morrow, the 15th inst., at half-past ten o'clock, A. M., and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Haggard, from the Committee on Claims, reported a bill, entitled

A bill for the benefit of A. H. Kininmouth, of Butler county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of two hundred and seventy-three dollars be,

and the same is hereby, appropriated to A. H. Kininmouth, for taking care of William B. Kininmouth, a pauper lunatic, in Butler county, for two years and ninety-two days, at the rate of two hundred dollars per annum; and that the Auditor of Public Accounts be ordered to issue his warrant for said sum in favor of said A. H. Kininmouth, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	K. F. Prichard,
R. A. Burton,	H. S. Hale,	W. H. Sneed,
James B. Casey,	Edwin Hawes,	E. D. Standiford,
John E. Cooper,	J. B. Haydon,	A. G. Talbott,
F. W. Darby,	G. A. C. Holt,	W. L. Vories,
J. H. Dorman,	William Johnson,	Ben. J. Webb,
William P. Duvall,	A. L. McAfee,	Emery Whitaker—23.
Jesse C. Gilbert,	Alfred T. Pope,	

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. Haggard, from the Committee on Claims, reported a bill, entitled

A bill for the benefit of Wm. E. Paull, jailer of Cumberland county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of one hundred and ninety-five dollars is hereby appropriated to Wm. E. Paull, jailer of Cumberland county, for the support of two lunatics of said county; and that the Auditor of Public Accounts be directed to issue his warrant upon the Treasury for that sum, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	Alfred T. Pope,
R. A. Burton,	H. S. Hale,	K. F. Prichard,
James B. Casey,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	Edwin Hawes,	E. D. Standiford,
F. W. Darby,	J. B. Haydon,	A. G. Talbott,
J. H. Dorman,	G. A. C. Holt,	W. L. Vories,
William P. Duvall,	Wm. Johnson,	Ben. J. Webb,
Jesse C. Gilbert,	A. L. McAfee,	Emery Whitaker—24.

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. McAfee, from the Committee on Military Affairs, reported a bill, entitled

A bill for the benefit of the Quarter-Master General of this Commonwealth.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time.

Mr. Vories then moved to postpone the further consideration of said bill until Wednesday next, 19th inst.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	F. W. Darby,	William Johnson,
R. A. Burton,	Jesse C. Gilbert,	O. D. McManama,
Wm. L. Conklin,	H. S. Hale,	K. F. Prichard,
G. W. Connor,	Thomas F. Hargis,	E. D. Standiford,
John E. Cooper,	Edwin Hawes,	W. L. Vories—15.

Those who voted in the negative, were—

James B. Casey,	J. B. Haydon,	W. H. Sneed,
W. H. Chelf,	G. A. C. Holt,	A. G. Talbott,
J. H. Dorman,	A. L. McAfee,	Ben. J. Webb,
William P. Duvall,	Alfred T. Pope,	Emery Whitaker—13.
D. R. Haggard,		

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to require the clerk of the Harrison circuit court to index and cross-index certain cases;

By Mr. Conklin, from the Committee on Finance—

An act for the benefit of Margaret S. Lillard, guardian of Chas. K. Lillard;

By same—

An act for the benefit of James N. Frazer, late sheriff of Harrison county;

By Mr. Prichard, from the Committee on the Judiciary—

An act to amend an act, entitled "An act to regulate sales made under decrees of the Barren circuit court;"

By Mr. Pope, from the Committee on the Judiciary—

An act for the benefit of N. E. Hobbs, of Mercer county;

Reported the same, with the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committees to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

The Senate, according to order, took up for consideration a bill, entitled

A bill for the benefit of the Eastern Lunatic Asylum.

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of two thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to the use of the Eastern Lunatic Asylum, to be expended by the Board of Managers of said Asylum in building reservoirs and cisterns, and in boring deep wells, so as to secure, at all seasons of the year, an ample supply of water for all the uses and purposes of said institution; and the Auditor, on the application of the President of said Board of Managers, is hereby authorized and directed to issue his warrant on the Treasurer for the payment of the same.

§ 2. This act shall take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	Wm. Johnson,
R. A. Burton,	Jesse C. Gilbert,	Alfred T. Pope,
James B. Casey,	D. R. Haggard,	K. F. Prichard,
W. H. Chelf,	H. S. Hale,	W. H. Sneed,

Wm. L. Conklin,	Thomas F. Hargis,	E. D. Standiford,
G. W. Connor,	Edwin Hawes,	A. G. Talbott,
John E. Cooper,	J. B. Haydon,	W. L. Vories,
F. W. Darby,	G. A. C. Holt,	Emery Whitaker—25.
J. H. Dorman,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

The Senate also took up for consideration the amendments proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to increase the jurisdiction of the justices of the peace and of the judges of the quarterly courts of Bracken and other counties.

On motion of Mr. Wm. Johnson,

Ordered, That the further consideration of said bill and amendments be indefinitely postponed.

Mr. Pope, from the Committee on the Judiciary, in pursuance of a resolution heretofore adopted, made the following report, viz:

The Judiciary Committee, to which was referred the resolution requesting it to inquire into the legality or right of the present General Assembly to redistrict the State into Senatorial and Representative Districts, respectfully reports, that the sixth section, article two, of the Constitution, provides that "in the year 1850, again in the year 1857, and every eighth year thereafter, an enumeration of all the qualified voters of the State shall be made. * * * The number of Representatives shall, at the several sessions of the General Assembly next after the making of the enumerations, be apportioned among the * * * several districts;" and that it is, therefore, the opinion of the committee the present General Assembly has no constitutional power to redistrict the State into Senatorial and Representative Districts.

Mr. McManama, from the Joint Committee on the Revision of the Statutes, made report of the progress of said committee up to the present time.

Ordered, That said report be made the special order of the day for Tuesday next, 18th inst.

The Senate took up for consideration the resolution heretofore introduced by Mr. Gilbert, entitled

Resolution authorizing the appointment of a joint committee, whose duty it shall be to take into consideration the propriety of completing the building known as the Fire-proof Offices.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of two members from the Senate and three from the House of Representatives, be appointed by the Speakers of the

respective Houses, to inquire and report what additional work and appropriations are necessary to finish the new wing to the Capitol, known as "Fire-proof Offices," and prepare the rooms therein for the use of the General Assembly and State officers; and that they also inquire and report what facilities and conveniences are offered at other places for the location of the Seat of Government.

Which was adopted.

Mr. Hargis read and laid on the table a joint resolution in relation to the revision of the Statutes.

The Speaker laid before the Senate the following communication, viz:

SENATE CHAMBER, FRANKFORT, KY., February 14th, 1873.

HON. JOHN G. CARLISLE, *Speaker of the Senate of Kentucky:*

DEAR SIR: I hereby resign the office of Senator from the Thirty-fifth Senatorial District of Kentucky, to take effect on Tuesday, the 18th day of February, 1873.

Respectfully yours, &c.,
E. D. STANDIFORD.

Mr. Wm. Johnson read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the consent of this General Assembly be, and the same is hereby, given to the purchase and acquisition by the Government of the United States of a lot of ground, not exceeding ten acres, in the city of Paducah, for the erection thereon of a custom-house, court-house, post-office, and other needful buildings.

The question was taken on the adoption of said resolution, and it was decided in the affirmative.

Leave was given to bring in the following bills, viz:

On motion of Mr. Barlow—

1. A bill to incorporate the trustees of the Baptist Female College of Liberty Association in the State of Kentucky.

On motion of Mr. Talbott—

2. A bill for the benefit of Casey county.

On motion of Mr. Haggard—

3. A bill for the benefit of Samuel Steele, of Franklin county.

On motion of same—

4. A bill for the benefit of Wm. Brown, of Warren county.

On motion of same—

5. A bill for the benefit of J. V. Sprowl, of Butler county.

On motion of same—

6. A bill for the benefit of George W. N. Leroy, of Butler county.

On motion of same—

7. A bill for the benefit of Sandy Kininmouth, of Butler county.

On motion of Mr. Webb—

8. A bill for the benefit of C. S. Mergell.

On motion of Mr. Darby—

9. A bill to further regulate the granting of appeals.

Ordered, That the Committee on Education prepare and bring in the 1st; a select committee, consisting of Messrs. Talbott, Fox, McAfee, Clay, and Haggard, the 2d; the Committee on Propositions and Grievances the 3d, 4th, 5th, 6th, and 7th; the Committee on Claims the 8th, and the Committee on Courts of Justice the 9th.

And then the Senate adjourned.

SATURDAY, FEBRUARY 15, 1873.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz

1. An act authorizing the Lewis county court to make an allowance to the clerk of the Lewis circuit court for continuing the general and cross-index to suits in the Lewis circuit court.

2. An act for the benefit of the Iron Water Turnpike Road Company.

3. An act for the benefit of Scotta P. Proctor, of Mercer county.

4. An act to amend an act, entitled "An act to reduce into one the several acts concerning the town of Perryville, in Boyle county."

5. An act to continue in force an act, entitled "An act for the benefit of the common schools in Newport, Campbell county."

6. An act to prevent the selling, giving, or furnishing spirituous, vinous, or malt liquors in the town of Glasgow on the Sabbath day.

7. An act to authorize the circuit court clerk of Butler county to make a general cross-index.

8. An act for the benefit of the Schoolville Branch of the Winchester and Red River Iron Works Turnpike Road Company.

9. An act for the benefit of J. J. Wood, late sheriff of Clinton county.

10. An act to amend the charter of the Glasgow Deposit Bank, approved February 27th, 1863.

11. An act to incorporate the Christian Church in the town of Ghent, in Carroll county.

12. An act to amend an act, entitled "An act to incorporate the Southwestern Furniture Manufacturing Company," approved March 5th, 1868.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 7th to the Committee on Courts of Justice; the 2d and 8th to the Committee on Internal Improvement; the 3d and 4th to the Committee on the Judiciary; the 5th to the Committee on Education; the 6th to the Committee on Religion and Morals; the 9th to the Committee on Finance; the 10th to the Committee on Banks and Insurance, and the 11th and 12th to the Committee on Agriculture and Manufactures.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to prohibit the sale of spirituous, vinous, or malt liquors in the Clintonville precinct, of Bourbon county.

An act to incorporate the Grand Lodge of the Ancient Order of United Workmen of Kentucky.

An act in relation to the transfer of the property of the Harrison Academy to the city of Cynthiana.

An act authorizing rewards for killing wolves, red foxes, grey foxes, and wild cats.

An act to authorize the county court of Whitley county to issue bonds to raise funds for county purposes.

An act to prohibit the sale of spirituous liquors in the town of Powersville, Bracken county.

An act to amend an act, entitled "An act to incorporate the Boone Mining and Manufacturing Company," approved February 16th, 1866.

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Pleasant Grove Church or school-house, at the fork of Stinson creek, in Carter county.

An act to incorporate the Collier Mining and Manufacturing Company.

An act to empower the Edmonson county court to levy an additional tax, and issue bonds to build a court-house.

An act for the benefit of colored public schools at Bowling Green.

An act to amend the charter of the town of Georgetown.

An act for the benefit of Levi Jones, of Greenup county.

An act to amend the charter of the town of West Point, in Hardin county.

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

An act to amend and reduce into one the several acts concerning the town of Madisonville.

An act to amend an act, entitled "An act to build a turnpike road in Lewis county."

An act to fix the time of holding terms of circuit courts in the 10th judicial district.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, February 15, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

James Harrison, Jefferson county.
George D. Shanon, Jefferson county.
A. H. Kincheloe, Kenton county.
A. G. Still, Bourbon county.
Robert Blain, Lincoln county.
E. E. Pate, Hancock county.
A. B. Loomis, Boyd county.
Thomas E. Ward, Henderson county.
William O. Watts, Jefferson county.
Elijah S. Watts, Jefferson county.
John W. Green, Jefferson county.
Logan T. Patten, Jefferson county.
D. W. Armstrong, Jefferson county.
Ed. P. Moorman, Daviess county.

Wm. M. Webb, Trimble county.
J. M Stansifer, Boone county.
Bruce Quigley, McCracken county.
A. G. Roberts, Shelby county.
A. B. Smith, Henry county.
Garrett S. Wall, Mason county.
John H. Woodcock, Pulaski county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The following petitions were presented, viz:

By Mr. Cooper—

1. The petition of sundry citizens of Breathitt, Owsley, and Perry counties, praying the passage of an act creating a new county out of parts of said counties.

By same—

2. The petition of sundry citizens of Breathitt county, praying the passage of an act to incorporate the Quicksand Creek Lumber and Mining Company.

By same—

3. The petition of Wm. Blair, asking the privilege of erecting a mill-dam across Licking river, at the head of navigation of said river.

By Mr. Connor—

4. The petition of sundry citizens of Mud Lick voting precinct, in Bath county, praying the passage of an act creating a new justices' district in said precinct.

Which were received, the reading dispensed with, and referred—the 1st and 4th to the Committee on Propositions and Grievances, and the 2d and 3d to the Committee on Internal Improvement.

On motion, indefinite leave of absence was granted to Messrs. Casey, Whitaker, Frazer, Chelf, and Dorman.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Connor, from the Committee on Agriculture and Manufactures—

An act to incorporate the Bath Iron Company.

By same—

An act to incorporate the Mt. Sterling Free Stone Company.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act for the benefit of James Brough and Oscar McKenzie, of Morgan county.

With an amendment to the last named bill.

Which was adopted.

Ordered, That said bills, the last named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Standiford, from the Committee on Internal Improvement—

A bill to incorporate the Louisville Hotel Company.

By Mr. Standiford, from the Committee on Railroads—

A bill to amend the charter of the Elizabethtown and Paducah Railroad Company.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to incorporate the Bell Mine Coal and Transportation Company.

By same—

A bill to incorporate the Pomeroy Coal Company.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill for the benefit of the stockholders of the Bath Seminary, in Bath county.

By Mr. Sneed, from the Committee on Education—

A bill to incorporate the trustees of the Baptist Female College of Liberty Association in the State of Kentucky.

By Mr. Standiford, from the Committee on Internal Improvement—

A bill to amend and revise the charter of the Kentucky River Navigation Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last named bill was made the special order of the day for Thursday next, the 20th inst., and all the rest were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing their passage of a bill, which originated in the Senate, entitled

An act to incorporate the Louisville Hotel Company.

A message was also received from the House of Representatives, asking that a committee of three be appointed by the Senate, to act in conjunction with a similar committee on the part of the House of Representatives, to withdraw, unsigned, from the hands of the Governor, bills, which originated in the House of Representatives, and had passed the two Houses, of the following titles, viz:

An act for the benefit of the town of Springville, in Greenup county.

An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to incorporate the same under the name of the Howland Coal and Iron Works.

Whereupon the Speaker appointed Messrs. Prichard, Darby, and McAfee said committee.

After a short time, said bills were handed in at the Clerk's desk.

Mr. Prichard then moved to reconsider the vote by which the Senate had passed said bills.

Which motion was simply entered.

Mr. Pope, from the Committee on the Judiciary, reported the following resolutions, viz:

WHEREAS, The Congress of the United States has passed an act appropriating the sum of one hundred and thirty thousand dollars for the erection of a public building for the use of the United States, in the city of Covington, in this Commonwealth, no part of which sum, however, can be used or expended, except upon the conditions set forth in the second section of said act; and whereas, the General Assembly of this Commonwealth is willing to comply therewith; now, therefore, be it

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the right to tax, or in any way assess, the land upon which said building and its appurtenances may be located, or any property of the United States that may be thereon, is hereby released and relinquished to the United States during the time that the United States shall be or remain the owner thereof; and no tax or assessment of any kind shall be levied or assessed upon the said property under the

authority of this Commonwealth, or of any county or municipality, during the time aforesaid.

2. *Resolved*, That the jurisdiction of this Commonwealth over any land acquired and held for the purpose aforesaid is hereby ceded to the United States; but nothing herein shall be so construed as to prevent the execution of process issued by the courts of this Commonwealth in civil and criminal causes upon persons on the said land, nor to prevent the courts of this Commonwealth from taking cognizance of crimes and misdemeanors committed on the said land in violation of the laws of this State, or of the ordinances of the city of Covington.

On motion, the rule requiring said resolutions to lie one day on the table was suspended.

Said resolutions were then taken up, twice read, and adopted.

Mr. Vories read and laid on the table the following resolution, viz:

Resolved, That the Commissioners of the Sinking Fund be requested to inform the Senate what amount of money has been collected from the General Government since Quarter-Master General Hewitt was first sent by said Commissioners to Washington to prosecute the collection of the Kentucky war claims; and at what time or times was the same paid into the Treasury since March 25th, 1872, and by whom; how much fees were paid in aid of the collection; to whom paid, and by whom were they paid, and by what authority; and what service was rendered by those to whom any fees were paid.

On motion, the rule requiring said resolution to lie one day on the table was suspended.

Mr. Holt then moved the following amendment as a substitute for said resolution, viz:

Resolved, That a committee of four Senators be appointed, whose duty it shall be to forthwith examine the Commissioners of the Sinking Fund, any officers of this State, and other persons, and report to the Senate what amount of money has been collected from the General Government since March 25th, 1872, and at what time and by whom paid, and to whom; and what fees on amounts paid, and to whom, and by whom, and under what authority, and under what circumstances so paid. Said committee to have full power to send for persons and papers.

The question was then taken on the adoption of said amendment as a substitute for said resolution, and it was decided in the affirmative.

The question was then taken on the adoption of said resolution, as amended, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hawes and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	J. B. Haydon,
R. A. Burton,	D. R. Haggard,	G. A. C. Holt,
John E. Cooper,	H. S. Hale,	William Johnson—11.
F. W. Darby,	Edwin Hawes,	

Those who voted in the negative, were—

Wm. L. Conklin,	Thomas F. Hargis,	W. H. Sneed,
G W. Connor,	A. L. McAfee,	E. D. Standiford,
William P. Duvall,	Alfred T Pope,	W. L. Vories,
W. McKee Fox,	K. F. Prichard,	Ben. J. Webb—12.

So said resolution was rejected.

Mr. Standiford then moved the following resolution, viz:

Resolved, That the Quarter-Master General and the Commissioners of the Sinking Fund are requested to report to the General Assembly, as soon as practicable, the amount of money obtained from the Federal Government on account of war claims against the same, also the items of expenditure for all purposes in the prosecution of said claim against said government, as fully as may be in their power to do since March 25th, 1872.

Mr. Standiford then moved to suspend the rule requiring said resolution to lie one day on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Holt, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	J. B. Haydon,
R. A. Burton,	Jesse C. Gilbert,	Alfred T. Pope,
Wm. L. Conklin,	H. S. Hale,	K. F. Prichard,
G. W. Connor,	Thomas F. Hargis,	E. D. Standiford,
John E. Cooper,	Edwin Hawes,	W. L. Vories—16.
William P. Duvall,		

Those who voted in the negative, were—

F. W. Darby,	G. A. C. Holt,	W. H. Sneed—5.
D. R. Haggard,	Wm. Johnson,	

The question was then taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. McAfee,
R. A. Burton,	D. R. Haggard,	Alfred T. Pope,
Wm. L. Conklin,	H. S. Hale,	K. F. Prichard,

G. W. Connor,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	Edwin Hawes,	E. D. Standiford,
F. W. Darby,	J. B. Haydon,	W. L. Vories,
William P. Duvall,	G. A. C. Holt,	Ben. J. Webb—23.
W. McKee Fox,	William Johnson,	

In the negative, none.

Leave was given to bring in the following bills, viz:

On motion of Mr. Cooper—

1. A bill to define the boundary line between the counties of Breathitt and Magoffin.

On motion of same—

2. A bill for the benefit of G. T. Strong, sheriff of Breathitt county.

Ordered, That the Committee on Propositions and Grievances prepare and bring in the 1st, and the Committee on Finance the 2d.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz:

An act to incorporate the Louisville Hotel Company;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Winchester Building and Accumulating Fund Association, of Winchester;

An act for the benefit of school districts Nos. 5 and 28, in Livingston county;

An act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts,'" approved March 13th, 1872;

An act to amend an act to incorporate the city of Cynthiana, approved January 22d, 1868;

An act to amend the charter of the Boone Bridge Company;

An act to incorporate the Rush Branch Coal, Iron, Mining Lumbering, and Manufacturing Company, in Morgan county;

An act to authorize the Ballard county court to increase the taxes to pay off the debts hereafter created by said county;

An act to facilitate the collection of taxes in the city of Paducah;

An act to authorize the Whitley county court to sell certain lands;

An act for the benefit of the sureties of Wm. Cummins, late sheriff of Whitley county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

The Senate, according to order, took up for consideration a bill, entitled

An act for the benefit of citizens of foreign birth in municipal elections.

Ordered, That the further consideration of said bill be postponed, and made the special order of the day for Monday next, the 17th inst.

And then the Senate adjourned.

MONDAY, FEBRUARY 17, 1873.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act for the benefit of school districts Nos. 10 and 47, in Jefferson county.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to charter the Owenton High School.

An act to exempt undertakers from serving on juries.

An act for the benefit of S. C. Cardwell and Daniel Moore, of Mercer county.

An act for the benefit of school district No. 47, in Clay county.

An act to incorporate Walton Lodge, No. 183, of the Independent Order of Odd Fellows.

An act to change the time of holding the Lee county quarterly courts.

An act to amend the charter of the Harrisburg Seminary.

An act to establish free schools for the colored people in Hancock county.

An act to incorporate the Fleming Coal Company.

An act to amend an act, and the amendments thereto, incorporating the school board of the city of Covington.

An act to authorize the court of claims of Oldham county to levy a tax for the erection of a new jail.

An act to incorporate the Caseyville Coal and Transportation Company.

An act to incorporate the Guylena Mining and Manufacturing Company.

An act for the benefit of Charles Kirtley, assignee of James M. Durham, of Rockcastle county.

An act to amend the town charter of Lebanon.

An act for the benefit of school districts Nos. 22 and 73, in Madison county.

An act to amend the act incorporating the Vanceburg Male and Female Academy.

An act to legalize certain orders and proceedings of the Larue county court.

An act for the benefit of Clinton county court of claims.

An act for the benefit of Washington county, authorizing the county court of said county to levy and collect taxes to pay its present indebtedness.

An act to create a new school district in Clinton county.

An act to change the name of the Catlettsburg Normal Academy to that of the East Kentucky Normal Academy.

An act authorizing and empowering the levy court, or court of claims, of Magoffin county, to increase the county levy, and to levy an *ad valorem* tax.

An act for the benefit of S. A. Walker, of Graves county.

An act for the benefit of John Hill, of Madison county.

That they had passed a bill, entitled

An act to authorize the judge of the Jefferson county court to appoint a collector of back taxes for Jefferson county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Duvall, from the Committee on Internal Improvement—

1. A bill to amend the charter of the Jefferson Pond Draining Company.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

2. A bill to amend an act, entitled "An act to establish an additional voting precinct in the county of Jefferson," approved March 12th, 1869.

By same—

3. A bill to amend the charter of the city of Louisville.

By Mr. Standiford, from the Committee on Railroads—

4. A bill to require agents or telegraph operators located on the railroads in this Commonwealth to give notice when passenger trains are more than one hour behind time.

By Mr. Hale, from the Committee on Finance—

5. A bill for the benefit of the sheriffs of this Commonwealth.

By Mr. Hawes, from the Committee on Religion and Morals—

6. A bill to repeal an act, entitled "An act to prohibit the sale of ardent spirits in Headquarters, in Nicholas county."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 4th was postponed and made the special order of the day for to-morrow; the 5th was proposed to be amended and made the special order of the day for to-morrow, and the 1st, 2d, 3d, and 6th were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Duvall, from the Committee on Internal Improvement—

An act to amend the act incorporating the Cabin Creek Turnpike Road Company.

By same—

An act amending an act incorporating the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to amend an act, entitled "An act to incorporate the Henderson Horseshoe Bend Fence Company."

By same—

An act to amend an act, entitled "An act to incorporate the Southwestern Furniture Manufacturing Company," approved March 5th, 1868.

By Mr. Standiford, from the Committee on Internal Improvement—

An act to incorporate the Cairo and Tennessee River Railroad Company.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill, entitled

A bill for the benefit of citizens of foreign birth in municipal elections.

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That at all elections authorized by law for the choice of any officer of a city or town in this Commonwealth, it shall be no ground of disqualification of any person offering to vote, of foreign birth, if it shall appear that such person has made a declaration of his intention to become a citizen of the United States, and is, in all other respects, a qualified voter according to the laws of this Commonwealth.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Haggard and Conklin, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	D. R. Haggard,	A. L. McAfee,
John E. Cooper,	H. S. Hale,	E. D. Standiford,
William P. Duvall,	Thomas F. Hargis,	W. L. Vories,
Jesse C. Gilbert,	John W. Johnson,	Ben. J. Webb—12.

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	G. A. C. Holt,
Wm. L. Conklin,	W. McKee Fox,	William Johnson,
G. W. Connor,	Edwin Hawes,	W. H. Sneed—9.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to charter the Barren County Bank.

Which was twice read and concurred in.

The Senate also took up for consideration the motion heretofore made to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Society Franco-American of Mutual Assistance of the city of Paducah.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be committed to the Committee on Education.

The Senate also took up for consideration a bill, which originated in the House of Representatives, entitled

An act for the benefit of schools in New Castle, Henry county.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

So said bill was disagreed to.

A message was sent to the House of Representatives, asking leave to withdraw the announcement of the passage of bills by the Senate of the following titles, viz:

An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to incorporate the same under the name of the Howland Coal and Iron Works.

An act for the benefit of the town of Springville, in Greenup county.

Which was granted, and the bills returned to the Senate.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of John Ellis, of the county of Barren.

And the question being taken on reconsidering said vote, it was decided in the negative.

So said bill was again disagreed to.

The Senate took up for consideration bills of the following titles, viz:

An act in relation to the fees of officers in certain cases.

An act to amend article 25, chapter 28, of the Revised Statutes.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act for the benefit of the town of Springville, in Greenup county.

And the question being taken thereon, it was decided in the affirmative.

The questions by which the third reading, as also that ordering said bill to be read a third time, were reconsidered.

Said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hargis, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to reduce into one the several acts concerning the town of Perryville, in Boyle county,"

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wm. Johnson, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Scotta P. Proctor, of Mercer county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Leave was given to bring in the following bills, viz:

On motion of Mr. Gilbert—

1. A bill for the benefit of sheriffs of this State and their sureties.

On motion of Mr. J. W. Johnson—

2. A bill for the benefit of Phocian Morgan, of Ohio county.

On motion of same—

3. A bill to incorporate the Highland Coal Company, of Hopkins county.

On motion of same—

4. A bill to change the time of holding courts in the 5th judicial district.

On motion of same—

5. A bill to amend the charter of the town of Calhoon.

On motion of Mr. Gilbert—

6. A bill for the benefit of Thos. D. Grundy, sheriff of McCracken county.

Ordered, That the Committee on Finance prepare and bring in the 1st and 6th; the Committee on the Judiciary the 2d; the Committee on Agriculture and Manufactures the 3d; the Committee on Courts of Justice the 4th, and the Committee on Propositions and Grievances the 5th.

Mr. Connor, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Daviess county;

An act for the benefit of Chas. G. Ragan, sheriff of Montgomery county;

An act providing for the collection of the revenue tax and county levy, for the years 1872 and 1873, for Clay and Breathitt counties;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Marcus Devary, of Clark county;

An act for the benefit of Stephen Nethercutt, of Carter county;

An act for the benefit of M. S. Napier;

An act to incorporate the World's Fair Association, of Woodford county;

An act to incorporate the Victor Coal and Mining Company;

An act to amend an act, entitled "An act to incorporate the Marble City Mining and Manufacturing Company;"

An act to amend the charter of the Frankfort and Flat Creek Turnpike Road Company;

An act to incorporate the Mt. Sterling Water-works Company;

An act for the benefit of Sallie Stagner, of Madison county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Connor reported that the committee had performed that duty.

And then the Senate adjourned.

TUESDAY, FEBRUARY 18, 1873.

In the absence of the Speaker, Hon. Wm. Johnson was elected Speaker *pro tem.*, and took the Chair.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to incorporate the town of Springville, in Greenup county.

That they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act to amend section 621 of the Civil Code of Practice.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend section 77 of the Civil Code of Practice.

An act to incorporate the Eclipse Woolen Mills.

An act to incorporate Alexander College, in the town of Burksville.

An act to amend an act, entitled "An act to incorporate the Maysville, Flemingsburg Coal and Iron Region Railway Company."

An act to incorporate the Short Route Railway Transfer Company.

An act to incorporate the Slate Ford Coal Company.

An act to amend an act, entitled "An act to establish an additional voting precinct in the county of Jefferson," approved March 2d, 1869.

That they had passed bills of the following titles, viz:

1. An act to regulate official sales in Trigg county.

2. An act to authorize the clerk of the circuit court of Madison county to procure index books, and to index and cross-index equity and ordinary suits off the docket on file in his office.

3. An act to re-enact an act, entitled "An act to regulate the sale of liquors," approved February 1st, 1870.

4. An act to amend the charter of the Winchester and Muddy Creek Turnpike Road Company.

5. An act to amend an act, entitled "An act to organize and establish a system of public schools in the city of Owensboro for white children in said city."

6. An act to incorporate the Exchange and Deposit Bank of Owingsville.

7. An act to provide for indexing certain books belonging to the office of the clerk of the Whitley county court.

8. An act to provide for an interpreter for the Louisville chancery court and the Jefferson court of common pleas.

9. An act to amend section 646 of the Civil Code of Practice.

10. An act to charter the Lebanon Wooden-ware Manufacturing Company.

11. An act for the benefit of the Baptist Church of Midway, in Woodford county.

12. An act for the benefit of the Woodford Cream Cheese Company.

13. An act to amend an act to charter the Owensboro and Russellville Railroad Company, approved February 27th, 1867.

14. An act for the organization of the public schools in the town of Clayville, in Webster county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, and 7th to the Committee on Courts of Justice; the 3d and 8th to the Committee on the Judiciary; the 4th to the Committee on Internal Improvement; the 5th and 14th to the Committee on Education; the 9th and 12th to the Committee on Revised Statutes and Codes of Practice; the 10th to the Committee on Agriculture and Manufactures; the 11th to the Committee on Religion and Morals; the 13th to the Committee on Railroads, and the 6th was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following remonstrance and petitions were presented, viz:

By Mr. John W. Johnson—

1. The remonstrance of sundry citizens of the town of Livermore, against the proposed amendment of their town charter.

By Mr. Cooper—

2. The petition of sundry citizens of Kentucky, asking the passage of an act to compel the Licking River Lumber and Mining Company to raft their logs, &c.

By Mr. Connor—

3. The petition of sundry citizens of Bath and Rowan counties, praying the passage of an act to compel the Licking River Lumber and Mining Company to raft their logs, &c.

By Mr. Hargis—

4. The petition of sundry citizens of the town of Carlisle, asking the passage of an act extending the civil authority of the marshal of said town.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Propositions and Grievances, and the 2d, 3d, and 4th to the Committee on the Judiciary.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Christian Church in the town of Ghent, in Carroll county.

By Mr. Duvall, from the Committee on Agriculture and Manufactures—

An act to amend an act, entitled "An act to incorporate the Union and Richwood Turnpike Road Company."

By Mr. Pope, from the Committee on Banks and Insurance—

An act to amend the charter of the Glasgow Deposit Bank, approved February 27th, 1863.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act authorizing the clerk of the Carter circuit court to procure general cross-index books, and to index and cross-index all the equity and ordinary suits off the docket on file in his office.

By Mr. Conklin, from the Committee on Finance—

An act for the benefit of William Green, of the county of Montgomery.

By same—

An act for the benefit of Samuel Cowen, jailer of Boone county.

By Mr. Hale, from the Committee on Finance—

An act for the benefit of P. H. Morrow, sheriff of Gallatin county.

By Mr. Haggard, from the Committee on Internal Improvement—

An act for the benefit of the Iron Works Turnpike Road Company.

By same—

An act for the benefit of the Schoolville Branch of the Winchester and Red River Iron Works Turnpike Road Company.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to amend the charter of the Orangeburg and Tollsboro Turnpike Road, in Mason county.

By same—

An act to amend an act, entitled "An act to incorporate the Paint Lick and High Point Turnpike Road Company, in Madison county."

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to prevent the selling, giving, or furnishing spirituous, vinous, or malt liquors in the town of Glasgow on the Sabbath day.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz :

By Mr. Hargis, from a select committee—

1. A bill to provide for the inspection of steam boilers and the better protection of life and property against accidents arising from steam boiler explosions.

By Mr. Conklin, from the Committee on Revised Statutes and Codes of Practice—

2. A bill to authorize the election of police judge and town marshal in the town of Brownsville, in Edmonson county.

By Mr. Holt, from the Committee on Courts of Justice—

3. A bill to prevent collecting officers from gambling.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be printed, and made the special order of the day for Friday next, the 21st inst.; the 3d was ordered to be printed and placed in the orders of the day, and the 2d was ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Prichard, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to regulate official sales of real and personal property, and of settlements of estates, in the county of Pendleton,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the negative.

So said bill was disagreed to.

A message was sent to the House of Representatives, asking leave to withdraw the announcement of the disagreement of the Senate to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of James N. Frazer, late sheriff of Harrison county.

After a short time, said bill was handed in at the Clerk's desk.

The Senate, according to order, took up for consideration a bill, entitled

A bill for the benefit of the sheriffs of this Commonwealth.

Various amendments were proposed to said bill.

On motion of Mr. Darby, the further consideration of said bill and proposed amendments was postponed indefinitely.

The Senate also took up for consideration a bill, entitled

A bill to require agents or telegraph operators located on the railroads in this Commonwealth to give notice when passenger trains are more than one hour behind time.

Ordered, That said bill be printed and placed in the orders of the day.

The Senate also took up for consideration the resolution heretofore introduced by Mr. Hargis, entitled

Resolution in relation to the revision of the Statutes.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners on the revision of the Statutes remain in Frankfort and continue their labors with the Joint Committee on the Revision of the Statutes until said committee shall have completed its labors; and said Commissioners are also authorized to continue

their work on the revision of the Statutes until the same is completed: *Provided, however*, That the time hereby allowed shall not extend beyond the present session of the General Assembly.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

Mr. Prichard read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved, That the Auditor of Public Accounts be requested to furnish the Senate information touching the amount of money collected or received from the United States by the State of Kentucky through its officers or agents, for expenditures incurred by the State in raising, maintaining, and equipping volunteers or militia during the late civil war, from the 27th day of May, 1862, to the 7th of August, 1869. He is also requested to give the date and amount of each collection, by whom made, and when the same was paid into the Treasury of the State, and the amount, if any, retained by the person collecting the same, together with all cost or expenses incurred by the State in collecting said money, or any installment thereof. He is authorized and requested in his report hereunder to communicate any additional information not herein especially called for, which in his judgment will enable the Senate to fully comprehend the present "status" of "our war claim," as well as all past transactions in relation thereto of which he has official information.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

Mr. Pope read and laid on the table a joint resolution.

The Speaker laid before the Senate the responses of the Commissioners of the Sinking Fund and of the Quarter-Master General to a resolution of the Senate heretofore adopted.

Which read as follows, viz:

Gentlemen of the Senate:

In response to the resolution adopted by your honorable body on last Saturday, asking certain information as to the amount of money collected from the General Government on account of the Kentucky War Claim, and at what cost, &c., we beg leave to submit the following report:

That in April, 1870, after the act was passed 10th March preceding, which imposed upon the Commissioners of the Sinking Fund the duty of employing an agent to prosecute the collection of said claim, Governor Stevenson and his associate Commissioners, deeming it best for the State, selected and requested Quarter-Master General Hewitt to proceed to Washington, and instructed him to prosecute and press the collection of said claim with the utmost vigilance, and to employ such assistance as he

deemed necessary to secure the end, but to make their compensation conditional upon success in collections.

Gen. Hewitt did at once enter upon the duties of the trust, and has applied himself with a zeal and energy much to his credit, and to the full satisfaction of the Commissioners. He collected—

In April, 1870	$28,174 51
In October, 1870	145,710 00
In December, 1870	65 75
In May, 1871	51,119 75
In June, 1871	130,543 60
In August, 1872	525,258 72

He paid out for services and assistance rendered him, as his vouchers now on file with this Board show—

To Pike & Johnson	$7,470 80
To R. C. Wintersmith	4,645 00
To Louis Dent	857 18
To W. R. Drinkard	140 00
To Pike & Johnson	5,828 40
To Dent & Page	5,828 40
To W. R. Drinkard	4,000 00
To M. Wallingford	6,039 20
To Wm. Brown	5,000 00
Telegraph dispatches	6 75
Total	$39,815 73

The balance of said moneys collected was paid into the State Treasury, as will be seen by reference to Auditor's Report for 1870, page 206—

To credit of John W. Stevenson	$28,174 51

Auditor's Report for 1871, page 202—

To credit of Fayette Hewitt	59,000 00
To credit of Fayette Hewitt	60,000 00
To credit of P. H. Leslie	130,543 60
To credit of Fayette Hewitt	37,000 00
To credit of Fayette Hewitt	65 75
Total	$314,783 86

And in Auditor's Report for 1872, not yet published, there will appear—

To credit of Gov. Leslie	525,258 72
Total	$840,042 58
But from this, balance is to be deducted	25,000 00
Leaving	$815,042 58

Said $25,000 was paid as follows:

To J. H. Wiggins	$750 00
To W. R. Drinkard	1,000 00
To R. C. Wintersmith	4,500 00
To Pike & Johnson	18,750 00
Total	$25,000 00

Their receipts are filed with the Board, and said sums were paid under certificate of General Hewitt, showing that the services were rendered at his instance, and under contract with him to aid him in said collection.

The following shows amount of expenses paid for Gen. Hewitt, printing brief, &c.:

Amount of Hewitt's expenses to Washington April 18 to August 23, 1872	$750 00
Amount paid to Express Company on guns sent from Washington to Indianapolis to complete the invoice of Scott & Triplett guns	5 35
Amount paid for printing five hundred copies of argument in case of Kentucky War Claim	66 96
Total	$822 31

Very respectfully,
Your obedient servants,

P. H. LESLIE,
D. HOWARD SMITH,
JAS. W. TATE,
JOHN RODMAN,
G. W. CRADDOCK.

State of Kentucky,
Office of Quarter-Master General,
Frankfort, February 17, 1873.

Hon. John G. Carlisle, *President of Senate:*

Sir: In reply to Senate resolution of 15th inst., I have the honor to say, that, since March 25, 1872 (that is, on the 27th August, 1872), I have received from the United States Treasury, in special settlement on tenth installment of Kentucky War Claim, a draft on the Sub-Treasury at New York for $525,258 72, payable to Gov. P. H. Leslie, which draft I delivered into the hands of Gov. Leslie August 29, 1872, together with a memorandum list of the names of certain persons to whom certain sums, amounting in the aggregate to $25,000, were due, for counsel and assistance given in effecting said settlement; which sums were, upon due consideration and proper papers, appropriated by the Commissioners of

Sinking Fund, and forwarded to the respective parties, and their receipts for the same are on file in the Auditor's Office.

Whilst this money has been appropriated and paid out since March 25th, 1872, yet the services for which it was remunerative were rendered during the year 1871, and this indebtedness was recognized by the Commissioners of the Sinking Fund in October of that year. I had, during that year, under great difficulties, effected this settlement of $525,258 72; but at the last moment, the check being complete, the Secretary of the Treasury interposed, and withheld the check from my possession, and I was compelled to return to Kentucky without it. I was again sent on in April, 1872. From that time up to the obtaining of the draft, August 27, 1872, I was constantly assisted by these gentlemen, both before Congress and in the Departments, without any expense beyond what had been promised and guaranteed them the year before.

This, sir, is a full statement of all moneys received from the United States through my agency, and of all paid out within my knowledge on account of War Claim since the 25th March, 1872.

All of which is respectfully submitted by

Your obedient servant,

FAYETTE HEWITT,
Quarter-Master General of Kentucky.

Ordered, That said responses be printed, and placed in the orders of the day.

Leave was given to bring in the following bills, viz:

On motion of Mr. Haggard—

1. A bill to reorganize the Penitentiary in this Commonwealth.

On motion of Mr. Gilbert—

2. A bill for the benefit of Olive common school district, in Marshall county.

On motion of same—

3. A bill for the benefit of J. C. Farley, of McCracken county.

On motion of Mr. Hale—

4. A bill for the benefit of persons performing labor, furnishing material, &c., to railroads in this Commonwealth.

On motion of Mr. J. W. Johnson—

5. A bill to amend an act, entitled "An act to create the Hartford Seminary."

On motion of same—

6. A bill for the benefit of John P. Barrett, late sheriff of Ohio county.

Ordered, That a select committee, consisting of Messrs. Haggard, Gatewood, and Prichard, prepare and bring in the 1st; the Committee on Education the 2d and 5th; the Committee on Finance the 3d and 6th, and the Committee on Railroads the 4th.

Mr. Connor, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz:

An act to amend an act to establish an additional voting precinct in the county of Jefferson, approved March 12th, 1869;

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Connor reported that the committee had performed that duty.

The Senate, according to order, took up for consideration the report of the Joint Committee on the Revision of the Statutes, embracing the first nineteen chapters.

Mr. McManama moved the following resolution, viz:

Resolved, That it is unnecessary that the Senate should resolve itself into a committee of the whole on the revision of the Statutes, but that the Senate take up the report chapter by chapter; that the Clerk read only such sections as have been amended by the joint committee, giving to each Senator the privilege of offering any amendment whatever; and when the chapter shall have been gone through with, adopt it and pass on.

The first chapter was then taken up, amended, and adopted.

The second chapter was adopted without amendment.

The third chapter was amended, and a further amendment proposed.

Pending the consideration of which, the Senate adjourned.

WEDNESDAY, FEBRUARY 19, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Newport Street Railway Company.

An act to incorporate the Decoursey Station, Taylor Road, and Bank Lick Short-line Turnpike Company.

An act to incorporate the National Pipe Contract Company.

An act to amend the charter of the Merchants' Bank of Kentucky, and the act amendatory thereof, approved March 3d, 1860.

An act to amend the charter of the Jefferson Southern Pond Draining Company.

An act to amend the city charter of Covington.

An act to incorporate the Richmond and Three Forks Railroad Company.

An act to incorporate the Chataroi Railway Company.

With amendments to the last three named bills.

That they had passed bills of the following titles, viz:

1. An act for the benefit of Thos. Ballew, of Pulaski county.

2. An act to create an additional voting place in Jefferson county.

3. An act for the benefit of John C. Conklin, late clerk of the Monroe county court.

4. An act for the benefit of O. G. Moore, late sheriff of Edmonson county, and his security.

5. An act to incorporate the Cairo and Ship Island Railroad Company.

6. An act to amend an act for the benefit of Eli H. Murray.

7. An act to amend an act, entitled "An act to amend the charter of the Shelbyville Railroad Company, and to authorize certain counties to take stock in same."

8. An act for the benefit of G. W. Taylor, sheriff of Hancock county.

9. An act for the benefit of G. W. Taylor, sheriff of Hancock county, and his sureties.

10. An act for the benefit of R. N. Walker, late sheriff of Crittenden county.

11. An act for the benefit of W. E. Cleland, late sheriff of Mercer county.

12. An act to incorporate the Deposit Bank of Cynthiana.

13. An act incorporating the Citizens' Bank of Paris.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 3d, 10th, and 11th to the Committee on Finance; the 5th and 7th to the Committee on Railroads; the 12th and 13th to the Committee on Banks and Insurance; the 4th and 9th were amended, and, together with the 2d, 6th, and 8th, were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Indefinite leave of absence was granted to Messrs. Cooper and Hargis.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Whitaker, from the Committee on Banks and Insurance—

An act to amend an act, entitled "An act to incorporate the First German Savings Bank, of Louisville."

By Mr. Pope, from the Committee on the Judiciary—

An act to protect the interest of the Commonwealth of Kentucky in certain cases.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hale, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Lewis F. Marshall, sheriff of Ballard county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, Under the act approved 22d March, 1871, amending the revenue laws of this Commonwealth, a penalty of five per cent. was imposed, and required to be collected, on all taxes remaining unpaid on the 1st day of April, 1872; and whereas, the Auditor of Public Accounts, under the provisions of said act, charged Lewis F. Marshall, sheriff of Ballard county, with said penalty of five per cent. on the amount due by him, as shown by the books in the Auditor's office on the 1st day of April, 1872; and whereas, it appears that said Marshall had in his hands claims upon the Treasury and money, amounting, together, to the sum of $4,307 92, on the 1st day of April aforesaid, but was prevented, by circumstances over which he had no control, from depositing the same to the credit of the Treasury of the State in the Commercial Bank of Kentucky, at Paducah, that being the nearest depository under the law, and distanced twenty-five miles from said Marshall's residence; and whereas, it appearing that said Marshall did deposit the said amount of $4,307 92 on the 2d day of April following, it seems but equitable and just that the said Marshall should have the five per cent. so paid on the said sum of $4,307 92 refunded him; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury for the sum of $215 39, in favor of Lewis F. Marshall, sheriff of Ballard county, that being the amount of the five per cent. charged on $4,307 92, against said Marshall, in his settlement of the revenue of Ballard county for the year 1871.

§ 2. This act to take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	William Johnson,
R. A. Burton,	Jesse C. Gilbert,	O. D. McManama,
James B. Casey,	H. S. Hale,	Alfred T. Pope,
W. H. Chelf,	Edwin Hawes,	W. H. Sneed,
Wm. L. Conklin,	J. B. Haydon,	W. L. Vories,
J. H. Dorman,	G. A. C. Holt,	Ben. J. Webb,
William P. Duvall,	John W. Johnson,	Emery Whitaker—21.

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. Conklin, from the Committee on Finance, reported a bill, entitled

A bill for the benefit of John P. Barrett, late sheriff of Ohio county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, It appears to this General Assembly that John P. Barrett, late sheriff of Ohio county, was prevented by protracted sickness of himself and family, the death of two of his deputies, and the resignation of others during his illness, from collecting in due time the revenue of Ohio county for the years 1870 and 1871, and failed, in consequence thereof, to pay said revenue into the Treasury as required by law to do, but has since paid the full amount of said revenue, and interest thereon, and has been released by act of the Legislature from the damages incurred for the year 1870; and whereas, it appears that his failure to pay said revenue in due time was not the result of negligence or fault on his part, but of causes beyond his control, and such as call for legislative interposition in his behalf; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John P. Barrett, late sheriff of Ohio county, and his securities, be, and they are hereby, released from the payment of the sum of twelve hundred and twenty-seven dollars and seventy-eight cents ($1,227 78), being the damage adjudged against them at the August term of the Franklin circuit court in the year 1872, for the balance of revenue from Ohio county for the year 1871.

§ 2. That the Auditor is hereby directed to give said Barrett credit on the revenue due by him for the year 1872 for the sum of one thousand and thirty-four dollars and seventy cents ($1,034 70), being the interest paid by him into the Treasury on the revenue of Ohio county for said years 1870 and 1871, and for the further sum of one hundred and eighty-eight dollars and sixty-six cents ($188 66), being five per cent. additional on the sum of three thousand seven hundred and seventy-three dollars and thirty-seven cents paid by him into the Treasury on the 2d and 3d days of April, 1872, on the revenue of 1871.

§ 3. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	A. L. McAfee,
R. A. Burton,	Jesse C. Gilbert,	O. D. McManama,
James B. Casey,	H. S. Hale,	Alfred T. Pope,
W. H. Chelf,	Edwin Hawes,	W. H. Sneed,

Wm. L. Conklin,	G. A. C. Holt,	W. L. Vories,
J H. Dorman,	John W. Johnson,	Ben. J. Webb,
William P. Duvall,	William Johnson,	Emery Whitaker—21.

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill for the benefit of the Quarter-Master General of this Commonwealth.

Ordered, That the further consideration of said bill be postponed, and made the special order of the day for Friday next, 21st inst.

The Senate took up for consideration the amendments proposed by the House of Representatives to bills, which originated in the Senate, of the following titles, viz:

An act to amend the city charter of Covington.

An act to incorporate the Chataroi Railroad Company.

Which amendments were twice read and concurred in.

On motion of Mr. Vories, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of schools in New Castle, Henry county.

After a short time, said bill was handed in at the Clerk's desk, taken up, and the vote by which it had been disagreed to was, on motion of Mr. Vories, reconsidered.

Ordered, That said bill be referred to the Committee on the Judiciary.

Mr. Haggard read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

WHEREAS, The present use of ardent spirits, wines, and malt liquors in the Commonwealth of Kentucky has grown to such alarming proportions that it is regarded as an evil that the humanitarian, moralist, and Christian feel that it is their highest duty to use such means as will prevent its indiscriminate use and sale in this Commonwealth; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That at the next election for Representatives to the General Assembly of this Commonwealth there shall be a column opened upon each poll-book in the Commonwealth for the election of said Representatives, and to each legal voter the question shall be propounded, "Are you for or against closing the doors and refusing to permit ardent spirits, wines, or malt liquors to be sold by any person on the Sab-

bath day in this Commonwealth?" The clerk of the election in each county precinct shall make out a true statement; and it shall be the duty of the county judge to compare the vote of his county for and against the proposition of suppressing the sale of ardent spirits, wines, and malt liquors in this Commonwealth on the Sabbath day, and forward a certified statement to the Governor, which statement shall be published in such papers as he may choose, over his signature.

Mr. Pope then moved to amend said resolution as follows, viz:

Amend the resolution so as to make the question propounded to the voter read as follows: "Are you for or against closing the doors and refusing to permit spirits, wines, or malt liquors to be sold by any person on the Sabbath day in this county or legislative district?" so as to enable each county or legislative district to indicate the wish of said county or district in regard thereto.

On motion,

Ordered, That the further consideration of said resolution and proposed amendment be postponed until Thursday, 27th inst.

Leave was given to bring in the following bills, viz:

On motion of Mr. McManama—

1. A bill to amend an act, entitled "An act to incorporate the Williamstown Odd Fellows' Hall Company."

On motion of Mr. Webb—

2. A bill to prevent cruelty to animals in this Commonwealth.

Ordered, That the Committee on Revised Statutes and Codes of Practice prepare and bring in the 1st, and the Committee on the Judiciary the 2d.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend an act to incorporate the Laboring Man's Loan and Aid Association, of Louisville," approved March 15th, 1869;

An act to charter the Barren County Bank;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the West Point and Elizabethtown Turnpike Company;

An act to amend the charter of the Bagdad and Harrisonville Turnpike Road Company, in Shelby county;

An act for the benefit of the jailer of Lawrence county;

An act to legalize the proceedings of the Metcalfe county court at its June term, 1869

An act to amend an act, entitled "An act to incorporate the Louisville Stock and Bond Board," approved March 18th, 1872;

An act in relation to the county levy in Lewis county, and the collection of the same;

An act authorizing the Lewis county court, at the court of claims, to levy a tax to repair the old jail in Lewis county, or building a new jail and jailer's house in said county;

An act for the benefit of the city of Louisville;

An act to authorize the judge of the Jefferson county court to appoint a collector of back taxes for Jefferson county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes.

The question pending being the motion made by Mr. Prichard to amend chapter three, section two, as follows, viz:

Section two, line two, strike out the words "verbal or."

And the question being taken thereon, it was decided in the affirmative.

Chapter four was adopted as reported by the committee.

Chapter five was adopted as reported by the Committee.

Chapter six was then taken up. Mr. Conklin then moved to amend the third section of said chapter as follows, viz:

Section three, line eight, strike out the words "in open court."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	O. D. McManama,
R. A. Burton,	D. R. Haggard,	K. F. Prichard,
James B. Casey,	H. S. Hale,	W. L. Vories,
Wm. L. Conklin,	John W. Johnson,	Emery Whitaker—13.
John J. Gatewood,		

Those who voted in the negative, were—

W. H. Chelf,	Edwin Hawes,	Alfred T. Pope,
J. H Dorman,	J. B. Haydon,	W. H. Sneed,
William P. Duvall,	William Johnson,	Ben. J. Webb—9.

Mr. Conklin then moved the following amendment, viz:

Chapter six, section four, line four, strike out the words "in open court."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	K. F Prichard,
R. A. Burton,	D. R. Haggard,	W. L. Vories,
James B. Casey,	H. S. Hale,	Ben. J. Webb,
Wm. L. Conklin,	John W. Johnson,	Emery Whitaker—14.
J. H. Dorman,	William Johnson,	

Those who voted in the negative, were—

W. H. Chelf,	Edwin Hawes,	Alfred T Pope,
William P. Duvall,	J. B. Haydon,	W. H. Sneed—8.
Jesse C. Gilbert,	O. D. McManama,	

Mr. McManama moved a call of the Senate.

A call being had, the following Senators answered to their names, viz:

John S. Barlow,	John J. Gatewood,	O. D. McManama,
R. A. Burton,	Jesse C. Gilbert,	Alfred T. Pope,
James B. Casey,	D. R. Haggard,	K. F. Prichard,
W. H. Chelf,	H. S. Hale,	W. H. Sneed,
Wm. L. Conklin,	Edwin Hawes,	W. L. Vories,
F. W. Darby,	J. B. Haydon,	Ben. J. Webb,
J. H. Dorman,	John W. Johnson,	Emery Whitaker—23.
William P. Duvall,	Wm. Johnson,	

Mr. Vories then moved to suspend any further action under the call.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Vories, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	Alfred T. Pope,
R. A. Burton,	D. R. Haggard,	K. F. Prichard,
W. H. Chelf,	H. S. Hale,	W. H. Sneed,
Wm. L. Conklin,	J. B. Haydon,	W. L. Vories,

J. H. Dorman,	John W. Johnson,	Ben. J. Webb,
William P. Duvall,	Wm. Johnson,	Emery Whitaker—20.
John J. Gatewood,	O. D. McManama,	

Those who voted in the negative, were—

James B. Casey,	F. W. Darby,	Edwin Hawes—3.

Mr. McManama then moved to reconsider the vote by which the Senate had suspended further action under the call.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McManama and Gilbert, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	F. W. Darby,	O. D. McManama,
James B. Casey,	Jesse C. Gilbert,	K. F. Prichard,
W. H. Chelf,	Edwin Hawes,	W. H. Sneed—10.
G. W. Connor,		

Those who voted in the negative, were—

John S. Barlow,	D. R. Haggard,	Alfred T. Pope,
Wm. L. Conklin,	H. S. Hale,	W. L. Vories,
J. H. Dorman,	J. B. Haydon,	Ben. J. Webb,
William P. Duvall,	John W. Johnson,	Emery Whitaker—14.
John J. Gatewood,	William Johnson,	

At fifteen minutes past one o'clock, P. M., Mr. McManama moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Casey, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	J. H. Dorman,	Wm. Johnson,
James B. Casey,	William P. Duvall,	O. D. McManama,
W. H. Chelf,	Jesse C. Gilbert,	W. H. Sneed,
F. W. Darby,	Edwin Hawes,	Ben. J. Webb—12.

Those who voted in the negative, were—

John S. Barlow,	D. R. Haggard,	K. F. Prichard,
Wm. L. Conklin,	H. S. Hale,	W. L. Vories,
G. W. Connor,	John W. Johnson,	Emery Whitaker—11.
John J. Gatewood,	Alfred T. Pope,	

And then the Senate adjourned.

THURSDAY, FEBRUARY 20, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act for the benefit of O. G. Moore, late sheriff of Edmonson county, and his securities.

A message was also received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, of the following title, viz:

An act to amend an act, entitled "An act to authorize the city of Newport to supply itself and others with pure water, and establish water-works," approved January 6, 1871.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Louisville Hotel Company.

An act to amend an act to incorporate the city of Cynthiana, approved January 22d, 1868.

An act to facilitate the collection of taxes in the city of Paducah.

An act to incorporate the Winchester Building and Accumulating Fund Association, of Winchester.

An act to amend the charter of the Boone Bridge Company.

An act for the benefit of school districts Nos. 5 and 28, in Livingston county.

An act to incorporate the Rush Branch Coal, Iron, Mining, Lumbering, and Manufacturing Company, in Morgan county.

An act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts,'" approved March 13th, 1872.

An act to authorize the Ballard county court to increase the taxes to pay off the debts hereafter created by said county.

An act for the benefit of the sureties of Wm. Cummins, late sheriff of Whitley county.

An act to authorize the Whitley county court to sell certain lands.

An act to amend an act to establish an additional voting precinct in the county of Jefferson, approved March 12th, 1869.

An act to authorize the mayor of the city of Louisville to subscribe in the name and for and in behalf of said city, for ten thousand additional shares of the capital stock of the Elizabethtown and Paducah Railroad Company.

That they had passed bills of the following titles, viz:

1. An act to further amend the laws in relation to peddlers.

2. An act to incorporate the Winchester Savings Bank.

3. An act to extend the streets and alleys in Marion, in Crittenden county.

4. An act to amend an act, entitled "An act to incorporate Bell City, in Crittenden county."

5. An act for the benefit of Charles R. Oldham, sheriff of Madison county.

6. An act for the benefit of school district No. 6, in Greenup county.

7. An act to prohibit the selling of spirituous, vinous, or malt liquors in Tompkinsville, Monroe county, or within one mile thereof.

8. An act for the benefit of the Louisville and Harrod's Creek and Westport Railway Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on the Judiciary; the 2d to the Committee on Banks and Insurance; the 3d and 4th to the Committee on Revised Statutes and Codes of Practice; the 5th to the Committee on Finance; the 6th to the Committee on Education; the 7th to the Committee on Religion and Morals, and the 8th was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wm. Johnson presented the petition of the trustees of Bardstown, in relation to an amendment to the charter of said town.

Which was received, the reading dispensed with, and referred to the Committee on Revised Statutes and Codes of Practice.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Daviess county.

An act to amend an act, entitled "An act to establish an additional voting precinct in the county of Jefferson," approved March 2d, 1869.

An act to amend an act to incorporate the Laboring Man's Loan and Aid Association of Louisville, approved March 15, 1869.

An act for the benefit of Chas. G. Ragan, sheriff of Montgomery county.

Mr. Conklin moved the following resolution, viz:

Resolved, That the Commissioners of the Sinking Fund be, and they are hereby, requested to report to the Senate the amount of the bonded indebtedness of the State that has been paid off since the 10th day of October, 1872, the kind of bonds, when paid, and to whom paid.

Which was adopted.

Mr. Hargis read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners on the revision of the Statutes shall not make notes of reference to the decisions of the Court of Appeals in said revision, except marginal references opposite the section adjudicated upon, showing the page and volume of reports.

Ordered, That the further consideration of said resolution be postponed until, and made the special order of the day for, Thursday next, 27th inst.

On motion, indefinite leave of absence was granted to Mr. McAfee.

On motion of Mr. McManama, a message was sent to the House of Representatives, asking leave to withdraw the announcement of the disagreement by the Senate to the passage of a bill, which originated in the House of Representatives, entitled

An act to regulate official sales of real and personal property, and of settlements of estates, in the counties of Pendleton, Lewis, Bracken, and Hickman.

After a short time, said bill was handed in at the Clerk's desk.

Mr. McManama moved to reconsider the vote by which the Senate had disagreed to the passage of said bill.

Which motion was simply entered.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to charter the Lebanon Wooden-ware Manufacturing Company.

By Mr. Gatewood, from the Committee on Education—

An act to establish an academy in the town of Germantown, in Bracken and Mason counties.

By same—

An act to continue in force an act, entitled "An act for the benefit of the common schools in Newport, Campbell county."

By same—

An act for the benefit of school district No. 16, in Larue county.

By same—

An act to amend an act, entitled "An act to organize and establish a system of public schools in the city of Owensboro for white children in said city."

By Mr. John W. Johnson, from the Committee on Education—

An act to incorporate Millersburg Academy.

By same—

An act for the organization of the public schools in the town of Clayville, in Webster county.

By Mr. Haggard, from the Committee on Internal Improvement—

An act to amend the charter of the Winchester and Muddy Creek Turnpike Road Company.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

An act to amend the charter of Adairville.

By Mr. Pope, from the Committee on Banks and Insurance—

An act incorporating the Citizens' Bank of Paris.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Prichard, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to increase the powers of the corporate authorities of the towns of Georgetown and Monticello,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

The following bills were reported from the several committees directed to prepare and bring in the same, viz :

By Mr. Gatewood, from the Committee on Education—

1. A bill to repeal an act, entitled "An act to authorize the trustees of school district No. 2, in Hickman county, to levy and collect a tax for school purposes."

By Mr. Prichard, from the Committee on the Judiciary—

2. A bill empowering the board of trustees of the town of Ashland to purchase lands and establish a public park.

By Mr. Hargis, from the Committee on the Judiciary—

3. A bill to amend an act to incorporate the Licking River Lumber and Mining Company.

By same—

4. A bill to prohibit the running of logs, wood, or other lumber, loose, down Licking river.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

5. A bill to amend section 33, chapter 24, Revised Statutes.

By same—

6. A bill to incorporate the Christian Church at Warsaw.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 3d and 4th were made the special order of the day for Friday, the 28th inst., and the 1st, 2d, 5th, and 6th were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill, entitled

A bill to amend and revise the charter of the Kentucky River Navigation Company.

Ordered, That said bill be recommitted to the Committee on Internal Improvement, with instructions to report same on Thursday next, the 27th inst.

Leave was given to bring in the following bills, viz:

On motion of Mr. Prichard—

1. A bill to authorize the Register of the Land Office to charge fees in certain cases.

On motion of Mr. McManama—

2. A bill to authorize the Grant county court to sell the poor-house farm of said county.

On motion of Mr. Gatewood—

3. A bill authorizing the leasing of the interest of the State in the Louisville and Nashville Turnpike Road, on the north side of Barren river, in Warren county.

On motion of same—

4. A bill to authorize the clerk of the Allen circuit court to make a cross-index to suits and cases on file in said office.

On motion of same—

5. A bill to repeal all laws heretofore passed adopting John Elrod heir-at-law of H. B. Elrod, of Warren county.

On motion of same—

6. A bill for the benefit of common school district No. 42, in Allen county.

On motion of same—

7. A bill for the benefit of common school district No. 1, in Allen county.

Ordered, That a select committee, consisting of Messrs. Prichard, Fox, McAfee, and Cooper, prepare and bring in the 1st; a select committee, consisting of Messrs. McManama, Clay, and Connor, the 2d; the Committee on Internal Improvement the 3d; the Committee on Courts of Justice the 4th; the Committee on Propositions and Grievances the 5th, and the Committee on Education the 6th and 7th.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to incorporate the Richmond and Three Forks Railroad Company.

Ordered, That said bill and proposed amendment be referred to the Committee on Railroads.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend section 77 of the Civil Code of Practice;

An act to amend section 621 of the Civil Code of Practice;

An act to amend an act to incorporate Alexander College, in the town of Burksville;

An act to amend an act, entitled "An act to incorporate the Maysville, Flemingsburg Coal and Iron Region Railway Company;"

An act to incorporate the Short Route Railway Transfer Company;

An act to incorporate the Slate Ford Coal Company;

An act to amend an act, entitled "An act to authorize the city of Newport to supply itself and others with pure water, and establish water-works," approved January 6, 1871;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of William Green, of the county of Montgomery;

An act for the benefit of school districts Nos. 10 and 47, in Jefferson county;

An act to amend an act to reduce into one all previous acts incorporating the town of Woodville, in the counties of McCracken and Ballard;

An act to amend an act, entitled "An act to incorporate the Henderson Horseshoe Bend Fence Company;"

An act to incorporate the Bath Iron Company;

An act amending an act, entitled "An act to incorporate the Vanceburg, Quincy, and Springville Turnpike Road Company," approved February 18th, 1869;

An act amending an act incorporating the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company;

An act to amend the act incorporating the Cabin Creek Turnpike Road Company;

An act to amend an act, entitled "An act to incorporate the Vanceburg, Quick's Run, and Concord Turnpike Road Company," approved December 17th, 1867;

An act to amend an act, entitled "An act to incorporate the Salt Lick, Esculapia, and Mount Carmel Turnpike Road Company," approved March 9th, 1867;

An act to incorporate the Mt. Sterling Free Stone Company;

An act to empower Division No. 129 to convey lot;

An act to incorporate the Cairo and Tennessee River Railroad Company;

An act to incorporate the Covington Printing Company;

An act for the benefit of Samuel Cowen, jailer of Boone county;

An act to amend the charter of the city of Louisville;

An act to amend an act, entitled "An act to reduce into one the several acts concerning the town of Perryville, in Boyle county;"

An act to amend an act, entitled "An act to incorporate the Southwestern Furniture Manufacturing Company," approved March 5th, 1868;

An act for the benefit of O. G. Moore, late sheriff of Edmonson county, and his securities;

An act to amend an act for the benefit of Eli H. Murray;

An act for the benefit of G. W. Taylor, sheriff of Hancock county, and his sureties;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes.

The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth sections of the sixth chapter were adopted as reported by the committee.

The thirteenth section of said chapter was then amended by adding thereto the following proviso, viz:

Provided, however, That the county judge, if he be a practicing attorney, shall not be required to keep an office separate from his office of county judge.

Said section, as also the fourteenth and fifteenth, was then adopted.

Articles two, three, and four of said chapter were adopted as reported by the committee.

Chapter seven was adopted as reported by the committee, except filling the blank as reported by the committee, which is hereafter to be determined on.

Chapter eight was then adopted as reported by the committee.

Chapter nine was also adopted as reported by the committee, except that, on motion of Mr. Hargis, the note at the close of said chapter was transferred to, and directed to be made to follow after, the act of the General Assembly to be found preceding section one, article ten, of said chapter.

Chapter ten. Sections one, two, three, four, five, six, seven, eight, and nine of said chapter were adopted.

Mr. Prichard then moved to amend section ten as follows, viz:

After the word "dog," in the third line, insert the following: "Known to be vicious, or whose owner has reasonable grounds to believe to be vicious or dangerous."

Which was adopted.

Mr. Sneed moved to reconsider the vote adopting said amendment.

And the question being taken thereon, it was decided in the affirmative.

Mr. Sneed then moved to amend the amendment proposed by Mr. Prichard by substituting in lieu thereof the following as a proviso at the close of the section, viz:

Provided, This section shall not apply to any owner of a dog which may bite a person, unless said owner knew, or had reasonable grounds for believing, that such dog was of a vicious or dangerous character.

Pending the consideration of this amendment, the Senate adjourned.

FRIDAY, FEBRUARY 21, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to prohibit the sale of ardent spirits in Lee county.

An act for the benefit of common schools in Jessamine county.

An act for the benefit of James Brough and Oscar McKenzie, of Morgan county.

An act to amend an act, entitled "An act to regulate the sale and storage of illuminating oils made from coal, petroleum, and other bituminous substances, &c.," approved March 26th, 1870.

An act to prevent the killing of birds in Garrard county.

An act for the benefit of G. W. Taylor, sheriff of Hancock county, and his sureties.

That they had concurred in the adoption of resolutions which originated in the Senate, of the following titles, viz:

Resolution consenting to the purchase of certain grounds in the city of Paducah and county of McCracken by the Government of the United States, for custom-house and other purposes.

Resolution making certain inquiries of the Auditor.

Resolution in relation to land to be acquired by the United States in the city of Covington for the erection of a public building.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the World's Fair Association, of Woodford county.

An act to incorporate the Victor Coal and Mining Company.

An act in relation to the county levy in Lewis county, and the collection of the same.

An act authorizing the Lewis county court, at the court of claims, to levy a tax to repair the old jail in Lewis county, or building a new jail and jailer's house in said county.

An act to legalize the proceedings of the Metcalfe county court at its June term, 1869.

An act to amend the charter of the Bagdad and Harrisonville Turnpike Road Company, in Shelby county.

An act for the benefit of the West Point and Elizabethtown Turnpike Company.

An act for the benefit of the jailer of Lawrence county.

An act for the benefit of Marcus Devary, of Clark county.

An act for the benefit of Stephen Nethercutt, of Carter county.

An act for the benefit of M. S. Napier.

An act for the benefit of Sallie Stagner, of Madison county.

An act to amend the charter of the Frankfort and Flat Creek Turnpike Road Company.

An act providing for the collection of the revenue tax and county levy, for the years 1872 and 1873, for Clay and Breathitt counties.

That they had passed a bill, entitled

An act to incorporate the St. Charles Coal Company.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the Committee on Agriculture and Manufactures.

Indefinite leave of absence was granted to Messrs. McManama and Conklin.

The following petitions and remonstrance were presented, viz:

By Mr. Cockrill—

1. The petition of sundry citizens of Beatyville, asking that the trustees of said town be permitted to issue license to vend ardent spirits.

By Mr. Gatewood—

2. The petition of citizens of Warren county, praying the passage of an act to prevent the destruction of fish in Green and Barren rivers.

By Mr. Talbott—

3. The remonstrance of the stockholders in the Danville and Hustonville Turnpike Company, and others, remonstrating against the passage of an act asked for by the said turnpike company.

Which were received, the reading dispensed with, and referred—the 1st and 2d to the Committee on Propositions and Grievances, and the 3d to the Committee on the Judiciary.

Mr. Gilbert read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be requested to have a salute fired on February 22d, 1873, at 12 o'clock, M., by round of cannon answering to the number of States, in honor of the Father of his Country, George Washington.

The question was taken on the adoption of said resolution, and it was decided in the affirmative.

Mr. Prichard moved the following resolution, viz:

Resolved, That when the Senate adjourns this day, it will adjourn to meet on Monday, the 24th inst., at 11 o'clock, A. M.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Haggard and Haydon, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	John J. Gatewood,	Alfred T. Pope,
James B. Casey,	Thomas F. Hargis,	K. F. Prichard,
W. H. Chelf,	Edwin Hawes,	W. H. Sneed,
G. W. Connor,	J. B. Haydon,	A. G. Talbott,
John E. Cooper,	John W. Johnson,	Ben. J. Webb,
William P. Duvall,	Wm. Johnson,	Emery Whitaker—19.
W. McKee Fox,		

Those who voted in the negative, were—

John S. Barlow,	D. R. Haggard,	W. L. Vories—4.
Jesse C. Gilbert,		

Mr. Pope read and laid on the table a joint resolution.

Mr. Haggard moved the following resolution, viz:

WHEREAS, Under the provisions of an act, entitled "An act directing the Commissioners of the Sinking Fund to lease the improvements of the Kentucky river," approved 24th February, 1869, said Commissioners were directed, after first advertising, &c., to lease out for fifty years all the locks, lands, and buildings, embracing all the houses, fixtures, and appurtenances then belonging to the State, of every kind and description, that are in anywise used in connection with the slack-water improvements of the Kentucky river; and said act provides that no person or corporation shall be entitled to demand a lease under the terms of said act who shall fail to satisfy said Commissioners of the Sinking Fund of his or its ability and intention in good faith to complete the slack-water navigation of the Kentucky river by substantial and permanent locks and dams to the Three Forks of said river, and who shall fail to satisfy the Commis-

sioners that a *bona fide* stock of at least $300,000 has been subscribed by responsible parties to the object of said improvement; and said act provides that if the lease shall fail, for sixty days after the award of said lease, to commence, in good faith, the extension of slack-water improvements on said river, then the lease shall be void, and the same shall be forfeited to the Commonwealth; and said act also provides that the lessee shall make a full report to each regular session of the Legislature, which report shall exhibit the receipts and expenditures, and all other matters and material facts showing the condition of said company, and said report shall be verified under oath; and whereas, no report has ever been made to any Legislature by said company as contemplated by the act transferring the line of navigation to said company, by the Commissioners or by any lessee of said improvements, although it is known that the entire river and improvements are, and have been ever since, soon after said act was passed, in the possession and use of a private corporation, and that no extension of the improvements has been made; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the present Board of Commissioners of the Sinking Fund be requested to inform the General Assembly whether said river improvements was leased out, and if so, to whom was it leased, and at what time was it leased, and for what amount was it leased, and when payable, and how much has been paid, and how is the same secured, and if a contract of lease was entered into, and report a copy thereof; also report the amount said company have paid, if anything, for the benefit of the Sinking Fund, or to the Commissioners thereof, and why said Commissioners have not made any report to the Legislature, and if the records of the Sinking Fund, or any paper in the possession of said Commissioners of the Sinking Fund, filed by said company, showing the information, to-wit: the said amount of receipts on said line of improvements since it passed into the hands of the lessees, and why they have not made a report year after year to the Commissioners of the Sinking Fund, or to the Legislature, as to the true conditions of the said line of slack-water improvements; also whether or not said company are indebted to the State of Kentucky for money borrowed, and if so, how much was borrowed, and from whom, and for what purpose, and how much is still owing and unpaid to the State by said company; also the amount paid to the officers, to-wit: president, superintendent, collector, lock-keeper, &c., connected with the present board controling said line of improvements.

Which was adopted.

Mr. Talbott, from the Committee on Charitable Institutions, to whom had been referred a bill, entitled

A bill for the benefit of the Kentucky Institution for the Education of the Blind,

Reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of ten thousand dollars be, and the same is hereby, appropriated to the use and benefit of the Kentucky Institution for the Education of the Blind. Said sum to be expended by the board of directors or managers of said Institution in the following manner, viz: eight thousand dollars in procuring and erecting suitable apparatus and fixtures for heating the asylum buildings, and the sum of fifteen hundred dollars in procuring and erecting gas-pipes and fixtures for lighting up said buildings, and the sum of five hundred dollars in procuring models of the eye, ear, brain, and other members of the human body, and also models of various insects and animals, for educational purposes; and the Auditor is hereby authorized and directed, on the application of the President of said board of directors, to issue his warrant on the Treasurer for the same, one fourth payable in three, one fourth in six, one fourth in nine, and the remaining one fourth in twelve months from the first day of January, 1873.

§ 2. This act to be in force from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	William Johnson,
James B. Casey,	Jesse C. Gilbert,	Alfred T. Pope,
W. H. Chelf,	D. R. Haggard,	K. F. Prichard,
Harrison Cockrill,	H. S. Hale,	W. H. Sneed,
G. W. Connor,	Thomas F. Hargis,	A. G. Talbott,
John E. Cooper,	J. B. Haydon,	W. L. Vories,
J. H. Dorman,	G. A. C. Holt,	Ben. J. Webb,
William P. Duvall,	John W. Johnson,	Emery Whitaker—25.
W. McKee Fox,		

Those who voted in the negative, were—

E. P. Campbell, Edwin Hawes—2.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill for the benefit of the Quarter-Master General of this Commonwealth.

Mr. Vories then moved to postpone the further consideration of said bill until Tuesday next, 25th inst.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Haggard and Holt, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	J. B. Haydon,
E. P. Campbell,	Jesse C. Gilbert,	John W. Johnson,
Harrison Cockrill,	D. R. Haggard,	K. F. Prichard,
John E. Cooper,	H. S. Hale,	W. L. Vories,
W. McKee Fox,	Edwin Hawes,	Emery Whitaker—15.

Those who voted in the negative, were—

James B. Casey,	William P. Duvall,	Alfred T. Pope,
W. H. Chelf,	Thomas F. Hargis,	A. G. Talbott,
G. W. Connor,	G. A. C. Holt,	Ben. J. Webb—11.
J. H. Dorman,	Wm. Johnson,	

The following bills were reported from the several committees directed to prepare and bring in the same, viz :

By Mr. Gatewood, from the Committee on Education—

1. A bill for the benefit of common school district No. 1, in Allen county.

By same—

2. A bill for the benefit of common school district No. 42, in Allen county.

By Mr. Duvall, from the Committee on Internal Improvement—

3. A bill to provide for the leasing of the interest of the State in the Louisville and Nashville Turnpike Road, on the northern side of Barren river, in the county of Warren.

By Mr. Haggard, from the Committee on Propositions and Grievances—

4. A bill for the benefit of Joseph Durban, of Lee county.

By same—

5. A bill to repeal all laws heretofore enacted adopting John Elwood as heir-at-law of H. B. Elwood or Jane Elwood, of Warren county.

By same—

6. A bill for the benefit of Wm. Blair, of Magoffin county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

7. A bill to amend an act, entitled "An act to incorporate the Louisville Rolling Mill Company," approved February 28, 1850.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 5th was placed in the orders of the day; the 6th was made the special order of the day for March 6th, and the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration the following bills, viz:

1. A bill to provide for the inspection of steam boilers and the better protection of life and property against accidents arising from steam boiler explosions.

2. A bill to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum," approved 5th day of February, 1873.

3. A bill to prevent collecting officers from gambling.

Ordered, That the further consideration of the 1st be postponed until Wednesday next; that of the 2d until Tuesday next, and that of the 3d until Wednesday next.

The Senate also took up for consideration a bill, which originated in the House of Representatives, entitled

An act to protect the owners of breeding and training farms and stables.

Said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read,

An act giving trainers of horses a lien for the training and expense of keeping and caring for the horse trained, and the owners of stallions, jacks, or bulls, or to those to whom they may be farmed, a lien for the services and the expense of keeping and caring for the animal bred to such stallion, jack, or bull.

Mr. Gilbert read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of two from the Senate and three from the House of Representatives, be appointed to visit the House of Reform for Juvenile Delinquents, and to report its fitness and capacity for the reception of lunatics as a temporary relief, until the Third Lunatic Asylum is completed.

And the question being taken on the adoption of said resolution it was decided in the affirmative.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gatewood, from the Committee on Education—

An act for the benefit of school district No. 6, in Greenup county.

By Mr. Talbott, from the Committee on Railroads—

An act to amend an act, entitled "An act to amend the charter of the Shelbyville Railroad Company, and to authorize certain counties to take stock in same."

By same—

An act to amend an act to charter the Owensboro and Russellville Railroad Company, approved February 27th, 1867.

By Mr. Connor, from the Committee on Agriculture and Manufactures—

An act to incorporate the Enterprise Improvement and Manufacturing Company.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

An act to amend an act, entitled "An act to incorporate Bell City, in Crittenden county."

By same—

An act to amend an act, entitled "An act to incorporate the town of Marshall, in Bath county."

By same—

An act amending an act approved February 26th, 1862, entitled "An act to amend the Revised Statutes in regard to filling vacancies in the office of sheriff."

By same—

An act for the benefit of the marshal of Mt. Sterling.

By same—

An act to extend the streets and alleys in Marion, in Crittenden county.

By same—

An act for the benefit of the Woodford Cream Cheese Company.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Barlow—

1. A bill for the benefit of J. W. Bradburn and others.

On motion of Mr. Campbell—

2. A bill to amend an act, entitled "An act to amend the charter of the Clarksville and Princeton Railroad Company," approved March 25, 1872.

On motion of Mr. Pope—

3. A bill to amend an act incorporating the Louisville Rolling Mill Company.

On motion of Mr. Gilbert—

4. A bill for the benefit of M. M. V. Radigent.

On motion of Mr. Dorman—

5. A bill legalizing certain proceedings of the Owen county court.

On motion of same—

6. A bill legalizing certain proceedings of the Boone county court.

On motion of Mr. Pope—

7. A bill to incorporate Daniel Boone Lodge, No. 2, Knights of Pythias.

On motion of Mr. Talbott—

8. A bill concerning the various charitable institutions of this Commonwealth.

On motion of Mr. Whitaker—

9. A bill to charter the Maysville Manufacturing Association.

On motion of same—

10. A bill to amend an act, entitled "An act to incorporate the Kentucky and Great Eastern Railway Company."

Ordered, That the Committee on Claims prepare and bring in the 1st; the Committee on Railroads the 2d and 10th; the Committee on Agriculture and Manufactures the 3d, 7th, and 9th; the Committee on Courts of Justice the 4th, 5th, and 6th, and a select committee, consisting of Messrs. Talbott, Whitaker, Chelf, Conklin, Gatewood, and Campbell, the 8th.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of the Louisville, Harrod's Creek, and Westport Railway Company;

An act to incorporate the Chataroi Railway Company;

An act to amend the charter of the Newport Street Railway Company;

An act to incorporate the Decoursey Station, Taylor Road, and Bank Lick Short-line Turnpike Company;

An act to incorporate the Eclipse Woolen Mills;

An act to incorporate the National Pipe Contract Company;

An act to amend the charter of the Merchants' Bank of Kentucky, and the act amendatory thereof, approved March 3d, 1860;

An act to amend the charter of the Jefferson Southern Pond Draining Company;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of P. H. Morrow, sheriff of Gallatin county;

An act authorizing the clerk of the Carter circuit court to procure general cross-index books, and to index and cross-index all the equity and ordinary suits off the docket on file in his office;

An act to amend an act, entitled "An act to incorporate the Paint Lick and High Point Turnpike Road Company, in Madison county;"

An act for the benefit of the Iron Works Turnpike Road Company;

An act to amend an act, entitled "An act to reduce into one the several acts concerning the town of Perryville, in Boyle county;"

An act to prevent the selling, giving, or furnishing spirituous vinous, or malt liquors in the town of Glasgow on the Sabbath day;

An act for the benefit of the Schoolville Branch of the Winchester and Red River Iron Works Turnpike Road Company;

An act to incorporate the Christian Church in the town of Ghent, in Carroll county;

An act to incorporate the Exchange and Deposit Bank of Owingsville;

An act to create an additional voting place in Jefferson county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

And then the Senate adjourned.

MONDAY, FEBRUARY 24, 1873.

Hon. John G. Carlisle presiding.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of resolutions which originated in the Senate, of the following titles, viz:

Resolution directing the firing of a national salute on the 22d of February, 1873.

Resolution appointing a joint committee to visit the House of Reform for Juvenile Delinquents, and report its fitness and capacity as a temporary lunatic asylum.

With an amendment to the last named resolution.

That they had passed bills of the following titles, viz:

An act to provide for a Geological Survey and Mineralogical Survey of the State.

An act to incorporate the St. Bernard Transportation Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred to the Committee on Agriculture and Manufactures.

Mr. Haydon presented the remonstrance of sundry citizens in different sections of the county of Breckinridge, remonstrating against the passage of a law prohibiting the sale of intoxicating drinks within certain districts in said county.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act to authorize the city of Newport to supply itself and others with pure water, and establish water-works," approved January 6, 1872.

An act to amend an act to incorporate Alexander College, in the town of Burksville.

An act to amend section 621 of the Civil Code of Practice.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

State of Kentucky, Executive Department,
Frankfort, February 24, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

St. John Boyle, Jefferson county.
H. C. Tindell, Jefferson county.
M. Woods Ferguson, Jefferson county.
Geo. W. Hull, Jefferson county.
W. Sayers, Kenton county.
James H. Vivion, Warren county.
T. Logan Hacker, Fayette county.
Allison H. Kincheloe, Kenton county.
Thomas J. Reynolds, Barren county.
William McClain, Henderson county.
William Robertson, McCracken county.
John B. Trice, Christian county.
John W. Prewitt, Franklin county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

1. A bill to incorporate the Kentucky Society for the prevention of cruelty to animals.

By Mr. Gilbert, from the Committee on Courts of Justice—

2. A bill legalizing certain proceedings of the Owen county court.

By same—

3. A bill legalizing certain proceedings of the Boone county court.

By same—

4. A bill to authorize the clerk of the Allen circuit court to make a cross-index to suits and causes on file in said office.

By same—

5. A bill for the benefit of the kindred of Pierre Victor Eastache, deceased, late of McCracken county.

By same—

6. A bill to amend an act, entitled "An act to incorporate the Fulton County Agricultural Society," approved January 18, 1867.

By Mr. Haggard, from the Committee on Internal Improvement—

7. A bill to incorporate the Owingsville Depot Turnpike Road Company, in Bath county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

8. A bill to define the county line between the counties of Magoffin and Breathitt.

By same—

9. A bill to establish the boundary of common school district No. 5, in Breathitt county.

By Mr. Talbott, from the Committee on Railroads—

10. A bill to amend an act, entitled "An act to amend the charter of the Clarksville and Princeton Railroad Company," approved March 25, 1872.

By same—

11. A bill to amend an act, entitled "An act to incorporate the Guthrie City and Franklin Railroad Company," approved March 21st, 1870.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

12. A bill for the benefit of Farish Arnett, sheriff of Magoffin county.

By same—

13. A bill in relation to the arrest of drunken persons in the local jurisdiction of the police court of Bardstown.

By same—

14. A bill of incorporation for Mayfield Lodge, No. 151, I. O. O. F.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

15. A bill to amend an act approved March 23d, 1871, entitled "An act to amend the law in relation to county judges," approved February 13, 1858.

By Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice—

16. A bill to amend an act, entitled "An act to authorize the Christian county court to issue bonds for the purpose of building a court-house, and to establish a sinking fund to liquidate said bonds," passed February 13, 1867.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 10th was placed in the orders of the day, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of George W. Cooper, of Logan county.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to authorize the clerk of the circuit court of Madison county to procure index books, and to index and cross-index equity and ordinary suits off the docket on file in his office.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act to authorize the circuit court clerk of Butler county to make a general cross-index.

By same—

An act authorizing the Lewis county court to make an allowance to the clerk of the Lewis circuit court for continuing the general and cross-index to suits in the Lewis circuit court.

By Mr. Talbott, from the Committee on Railroads—

An act to incorporate the Cairo and Ship Island Railroad Company.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported by Mr. Whitaker, from the Committee on Courts of Justice, viz:

An act to provide for indexing certain books belonging to the office of the clerk of the Whitley county court;

An act to authorize the Warren county court to employ counsel;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Mr. Gilbert, from the Committee on Courts of Justice, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to amend an act concerning county courts,

Reported the same without amendment.

Various amendments were then proposed to said bill.

Pending the consideration of which, on motion of Mr. Clay, said bill was laid on the table.

The Senate took up for consideration a bill, entitled

A bill to repeal all laws heretofore enacted adopting John Elrod as heir-at-law of H. B. Elrod or Jane Elrod, of Warren county.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Talbott, from the Committee on Railroads, to whom had been referred the amendments proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to incorporate the Richmond and Three Forks Railroad Company,

Reported the same, with the expression of opinion that said amendment as a substitute for said bill should be concurred in.

And the question being taken thereon, it was decided in the affirmative.

Title amended to read,

An act to incorporate the Richmond, Irvine, and Three Forks Railroad Company.

The Speaker laid before the Senate the response of the Auditor to a resolution calling on him for certain information concerning the collection, &c., of the war claim of Kentucky against the United States.

Which reads as follows, viz:

OFFICE AUDITOR PUBLIC ACCOUNTS,
FRANKFORT, KY., February 24, 1873.

HON. JOHN G. CARLISLE, *Speaker of the Senate:*

SIR: In response to the resolution, adopted by the Senate on the 18th inst., calling on me for the amount of money collected by the State of Kentucky from the United States, for expenditures incurred by the State on account of raising, maintaining, and equipping volunteers, &c., from the 27th day of May, 1862, to the 7th day of August, 1869, and the amount paid out during the same period for collecting said money, I respectfully submit the following statements annexed hereto, marked, respectively, Nos. 1 and 2.

I will further state that the money collected, as shown by statement No. 1, was disbursed by the "Military Board," and after that Board ceased to exist, by the order of the Governor. These accounts were kept by the Quarter-Master General, and the vouchers taken were filed in his office, where they can now be found, as I presume.

I have the honor to be,
Very respectfully,
Your obedient servant,
D. HOWARD SMITH, *Auditor.*

No. 1.

A STATEMENT showing the amount of money received from the United States Government by the State of Kentucky, for expenditures incurred by the State in raising, maintaining, and equipping volunteers or militia during the late civil war, from the 27th day of May, 1862, to 7th day of August, 1869, with the date of each payment into the Treasury, and by whom paid, viz:

1862.			
June	27.	By amount received of United States by J. B. Temple, President	$315,000 00
August	28.	By amount received of United States by J. B. Temple, President	436,000 00
1863.			
June	10.	By amount received of United States by James F. Robinson, Governor	100,000 00
1864.			
March	19.	By amount received of United States by S. G. Suddarth, Quarter-Master General, United States certificate	100,000 00
April	4.	By amount received of United States by S. G. Suddarth, Quarter-Master General, five per cent. legal tender notes	100,000 00
		Amount carried forward	$1,051,000 00

		Amount brought forward	$1,051,000 00
1867.			
February	11.	By amount received of United States by Thos. E. Bramlette, Governor	155,115 09
June	18.	By amount received of United States by Thos. E. Bramlette, Governor	120,073 05
September	5.	By amount received of United States by Thos. E Bramlette, Governor	40,623 39
November	4.	By amount received of United States by Jno. W. Stevenson, Governor	83,412 64
1868.			
March	25.	By amount received of United States by Jno. W. Stevenson, Governor	34,341 78
June	16.	By amount received of United States by Jno. W. Stevenson, Governor	40,823 56
September	1.	By amount received of United States by Jno. W. Stevenson, Governor	31,812 53
		Total	$1,557,202 04

Attest: D. HOWARD SMITH, *Auditor.*

No. 2.

A STATEMENT showing the amount of expenses incurred by Kentucky Claim Agent, under the act of February 20, 1864, and February 27, 1865, and paid out of the Treasury, in the collections of the claims of the Commonwealth of Kentucky against the United States, for raising, equipping, and maintaining volunteers or militia during the late civil war, from the passage of said act to 7th August, 1869, viz:

C. D. Pennebaker, Claim Agent, salary from April 19, 1864, to August 7, 1869	$19,783 26
B. F. Pumphrey, Clerk to Claim Agent, salary from February 27, 1865, to 1st May, 1869	6,262 50
Geo. W. Gist, Clerk to Claim Agent, salary from 1st May, 1869, to 7th August, 1869	404 16
Office rent, &c.	8,695 36
	$35,145 28

NOTE.—The foregoing money was not paid out of the amount collected from the United States Government on account of "War Claims," but out of the Revenue Department.

Attest: D. HOWARD SMITH, *Auditor.*

Ordered, That said response be printed.

Mr. Whitaker read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of two on the part of the Senate and three on the part of the House of Representatives, be appointed by the respective Speakers, whose duty it shall be to visit the State House of Reform for Juvenile Delinquents, and also the Feeble-minded Institute, and report to the two Houses the capacity of each of said Institutions, and the number of lunatics who may therein be accommodated, and the probable cost of preparing the buildings for their reception, and that said committee be authorized to associate with them some person who is experienced in the management of such institutions.

Mr. Vories then moved to amend said resolution as follows, viz:

After the word "Institute," in the sixth line, and before the word "and," insert the following: "Also the Paroquet Springs, in Bullitt county."

And the question being taken thereon, it was decided in the negative.

The question was then taken on the adoption of the resolution proposed by Mr. Whitaker, and it was decided in the affirmative.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—

1. A bill to amend the charter of the Louisville Industrial Exposition.

On motion of same—

2. A bill to incorporate the Kentucky Society for the prevention of cruelty to animals.

On motion of Mr. Campbell—

3. A bill to amend an act, entitled "An act to authorize the Christian county court to issue bonds for the purpose of building a courthouse, and to establish a sinking fund to liquidate said bonds," passed February 13th, 1867.

On motion of Mr. Barlow—

4. A bill for the benefit of school district No. 1, in Metcalfe county.

On motion of Mr. Cockrill—

5. A bill to regulate the unloading and sale of coal in the city of Frankfort.

On motion of Mr. Chelf—

6. A bill for the benefit of common school district No. 47, in Larue county.

On motion of Mr. Vories—

7. A bill to establish a warehouse in Prestonville, in Carroll county.

On motion of Mr. Chelf—

8. A bill for the benefit of the town of Greensburg.

On motion of Mr. Sneed—

9. A bill to provide for the transportation of discharged convicts to the counties wherein they were convicted.

On motion of Mr. Gatewood—

10. A bill to incorporate the Scottsville Deposit Bank.

On motion of Mr. Clay—

11. A bill to incorporate the South Kentucky Bank and Coal Company.

On motion of same—

12. A bill to determine the boundary line between the States of Indiana and Kentucky, above and near the city of Evansville.

On motion of Mr. Cooper—

13. A bill to repeal the 4th section of an act, entitled "An act to incorporate the Lee County Lumbering, Mining, and Manufacturing Company."

Ordered, That the Committee on the Judiciary prepare and bring in the 1st and 12th; the Committee on Agriculture and Manufactures the 2d, 7th, and 11th; the Committee on Revised Statutes and Codes of Practice the 3d; the Committee on Education the 4th and 6th; the Committee on Propositions and Grievances the 5th and 13th; the Committee on Religion and Morals the 8th; the Committee on Penitentiary and House of Reform the 9th, and the Committee on Banks and Insurance the 10th.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to prohibit the sale of ardent spirits in Lee county;

An act for the benefit of common schools in Jessamine county;

An act for the benefit of James Brough and Oscar McKenzie, of Morgan county;

An act to amend the charter of Adairville;

An act to prevent the killing of birds in Garrard county;

An act to amend an act, entitled "An act to incorporate the First German Savings Bank, of Louisville;"

An act to protect the interest of the Commonwealth of Kentucky in certain cases;

An act for the benefit of Lewis F. Marshall, sheriff of Ballard county;

An act to continue in force an act, entitled "An act for the benefit of the common schools in Newport, Campbell county;"

An act to amend an act, entitled "An act to organize and establish a system of public schools in the city of Owensboro for white children in said city;"

An act for the benefit of G. W. Taylor, sheriff of Hancock county, and his sureties;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Mr. Haggard read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Superintendent and board of directors of each Charitable Institution in this State, supported in whole or in part by the Treasury of the State, shall report, in detail, to the General Assembly when it shall meet, and to the Governor in those years when the General Assembly shall not meet, an itemized statement of the articles purchased for each Institution, and the price of same, and from whom purchased, and for what purpose used; the price paid to each officer employed in each Institution, and the name and grade of each employee; the number of assistant physicians in each, their names, and price paid to each per annum; also the amount of money drawn from the Treasury per annum, the dates when drawn, and by whom drawn. All of which will be reported in their annual reports, and verified by oath or affirmation of the officer or officers making said report.

The question was taken on the adoption of said resolution, and it was decided in the affirmative.

And then the Senate adjourned.

TUESDAY, FEBRUARY 25, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Spring Station Railway Company.

An act to legalize the acts of W. N. Boaz as deputy clerk of the Graves county court.

An act to incorporate the Wilson Coal and Mining Company.

An act for the benefit of the Maysville and Lexington Railroad, Northern Division.

An act to amend the charter of the Elizabethtown and Paducah Railroad Company.

An act to re-enact and amend the charter of the Paducah and Tennessee Railroad Company.

With an amendment to the last named bill.

Which was taken up and referred to the Committee on Railroads.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of O. G. Moore, late sheriff of Edmonson county, and his securities.

An act for the benefit of G. W. Taylor, sheriff of Hancock county.

An act to incorporate the Covington Printing Company.

An act to amend an act, entitled "An act to incorporate the Salt Lick, Esculapia, and Mount Carmel Turnpike Road Company," approved March 9th, 1867.

An act to empower Division No. 129 to convey lot.

An act to amend an act, entitled "An act to reduce into one the several acts concerning the town of Perryville, in Boyle county."

An act to amend an act, entitled "An act to incorporate the Henderson Horseshoe Bend Fence Company."

An act to amend an act for the benefit of Eli H. Murray.

An act for the benefit of Samuel Cowen, jailer of Boone county.

An act for the benefit of William Green, of the county of Montgomery.

An act for the benefit of school districts Nos. 10 and 47, in Jefferson county.

An act to amend an act, entitled "An act to incorporate the Southwestern Furniture Manufacturing Company," approved March 5th, 1868.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of William Cook's heirs.

2. An act providing for the collection of the railroad tax in the county of Montgomery.

3. An act to amend an act, entitled "An act to incorporate the Kentucky and Southern Railroad Company."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on the Judiciary, and the 2d and 3d to the Committee on Railroads.

Mr. Talbott presented the petition of sundry citizens of Casey county, praying the passage of an act establishing an additional magistrate's and constable's district in said county.

Which was received, the reading dispensed with, and referred to the Committee on Courts of Justice.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

1. A bill to change the time of holding the circuit courts in the 9th judicial district.

By Mr. Wm Johnson, from the Committee on the Judiciary—

2. A bill to amend and reduce into one the several acts in relation to the town of Shelbyville.

By Mr. Pope, from the Committee on the Judiciary—

3. A bill for the benefit of married women in this Commonwealth.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 3d was ordered to be printed, and made the special order of the day for Thursday, the 27th inst., and the other two were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clay, from the Committee on the Judiciary, reported a bill, entitled

A bill to amend and reduce into one the several acts in relation to the town of Danville.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

ARTICLE I.

Corporate Limits.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the corporate limits of the town of Danville be, and are, established as follows: In the form of a square, whose sides shall run north, south, east, and west, and measure two thousand one hundred and sixty yards, and whose center shall be the center of Main and Third streets, at their crossing in said town.

ARTICLE II.

Concerning Trustees.

§ 1. That upon the first Saturday in April, annually, an election shall be held at the court-house in Danville, for a board of seven trustees of said town, at which election the male inhabitants of the town, of the age of twenty-one years and over, who shall have been bona fide residents in the town one year next preceding the election, and who are not in arrearages for taxes due the town, or for fines imposed under the ordinances of the town; also all the male bona fide residents of the county of Boyle, of the age of twenty-one years and over, who shall be the owners of real property lying within the town, upon which there has been an assessment of taxes equal to the poll-tax imposed upon the male residents of the town, and who are not in arrearages for taxes due the town, or for fines imposed under the ordinances of the town, shall have the right to vote.

§ 2. Said election shall be advertised in a newspaper printed in the town of Danville, or by notice posted at the court-house door one week previous to the election. The trustees shall appoint two discreet persons to act as judges, and also a clerk and sheriff, citizens of the town, of said election, who shall take an oath before some person qualified to administer oaths, to faithfully perform their duties; and it shall be the duty of the judges to compare the poll-books and return them to the clerk of the board of trustees, and make a statement in writing, signed by them, of the number of votes received by each candidate, and certify the names of those elected.

§ 3. That so long as there are two distinct political parties in the Commonwealth, the judges, sheriffs, and clerks of said elections held under

this charter shall be so selected and appointed that one of the judges shall be of one political party, and the other judge of the opposing political party; and a like difference shall exist between the sheriff and clerk of the election: *Provided*, That there be a sufficient number of the members of each political party as aforesaid to fill said offices, and will consent to act.

§ 4. No person shall be eligible to the office of trustee who has not resided within the town one year next preceding his election, and who is not a freeholder therein, or who is directly or indirectly interested in any contract with the town; and if, after election, he becomes so interested, or an applicant for such contract, his office shall thereby become vacant, and the board shall so declare and fill it.

§ 5. That the trustees' term of office shall continue for the next twelve months after their election, or until their successors are duly elected and qualified, and shall take an oath before some officer empowered to administer oaths, that they will faithfully and without affection to any one, discharge the duties that may devolve upon them, four of whom shall constitute a quorum to transact business.

§ 6. In said board of trustees, and their successors in office, shall be vested the fiscal and prudential affairs of the town, and they shall be a body-politic and corporate, and by the name and style of the "Board of Trustees of the Town of Danville" shall be known, and shall have perpetual succession, and may sue and be sued, in all courts of law or equity; may contract and be contracted with, and do and perform all other corporate acts under said name.

§ 7. That the legal title to all the streets and alleys in said town, and to all real and personal property which now does, or may hereafter belong to said town, is vested in said board of trustees, with authority to receive and hold real and personal estate by purchase, donation, or otherwise, for the use or ornament of the town, and use, lease, or sell the same, as they may deem expedient.

ARTICLE III.

Powers of Trustees.

§ 1. The board of trustees shall have legislative power to make by-laws and ordinances for the carrying into effect of all the powers herein granted for the government of the town, and to do all such things as properly belong to the police of an incorporated town; also—

1st. To regulate the time and places of their meeting, and change them at their pleasure, and determine the rules of their proceedings, and enact laws to compel the attendance of members at any meeting called by the chairman or two members of the board.

2d. To appoint a chairman, clerk, and treasurer, assessor of the town, surveyor of streets, sexton of the cemetery, and employ a competent police force, and fix their fees and emoluments.

3d. To fill all vacancies of members of their own body, or of officers appointed by them, or of any officer elected at the annual April election, for the full term thereof, or *pro tempore*.

4th. To make rules and regulations for the cleanliness, good order, decency, and decorum of the town, for the preservation of the health, peace, lives, and property of the inhabitants within the town.

5th. To adopt and enforce sanitary regulations to prevent the introduction and spread of epidemics and contagious disease.

6th. To clear the streets, alleys, and pavements of all obstructions; to erect and sink cisterns, wells, and pumps, and keep open all springs in the town, and to ornament the grounds belonging to the town.

7th. To cause to be removed and abated all nuisances, and to regulate the storage of any combustible or unwholesome material.

8th. To cause any chimney, flue, stove-pipe, or fire-place to be changed and repaired, so as to remove any cause of danger or insecurity that may exist.

9th. To cause the owners and occupiers of property fronting on streets and alleys to keep the streets and alleys in front of them clean and free from dirt and filth.

10th. To maintain and carry into judgment and execution by any appropriate action for the recovery of, or damages for the detention, taking, or injury or destruction of any property or choses in action which is vested in them.

11th. To prohibit the erection of wooden buildings, whereby great danger may ensue to valuable and permanent improvements in any part of the town.

12th. To suppress all tippling-houses, houses of ill-fame, disorderly houses, retailing of spirituous, vinous, and malt liquors without license, and gaming of every description whereby money or other valuables are won and lost.

13th. To establish fire companies, and procure necessary engines and implements, and require all inhabitants to keep such a number of fire buckets as may be necessary, and make such regulations as they may think necessary in relation thereto.

14th. To establish a work-house and watch-house, and appoint officers to superintend the same.

15th. To restrain and prohibit the running at large of hogs and cattle, and authorize the distraining, impounding, and sale of the same; also to prevent the running at large of unmuzzled dogs, and authorize the destruction of the same.

16th. To impose penalties for any violation of the ordinances of the town, or of misdemeanors committed and occurring within its limits, or for the neglect or refusal of any person to conform to any regulations or orders of the board of trustees, or of officers of the town within the scope of their authority, powers, and duties granted by this charter and the laws of the State.

Cemetery.

§ 2. The board of trustees shall be authorized to purchase and hold any quantity of ground, not exceeding ten acres, that they may deem necessary for a cemetery, and issue bonds of the town, the proceeds of the sale of said bonds to be applied to the payment of the purchase money of said ground, and to levy a tax on the property owned by white persons in said town, sufficient to pay the interest upon said bonds, until the same shall have been paid off and canceled: *Provided*, That the proceeds of the sale of lots and burying places within said grounds shall be applied to the payment of the bonds aforesaid, and for no other purpose, until all the bonds are paid: *And provided further*, That the lots in said cemetery be sold to, and used by, white persons only.

Revenue and Licenses.

§ 3. That the board of trustees shall have power and authority, annually, to assess, levy, and collect a tax on all real and personal estate within the

limits of the town, subject to taxation for State revenue, not to exceed forty cents on one hundred dollars' worth of property; also—

1st. To levy and collect a poll-tax, not exceeding one dollar and fifty cents, on all male persons in the town over the age of twenty-one years.

2d. To tax and license all shows and exhibitions of all kinds in any sum not exceeding forty dollars for such exhibitions on any one day.

3d. To tax and license all auctioneers in any sum not exceeding five per cent., for all goods, wares, and merchandise, and articles sold to bidders within the town, except property sold by citizens of the town of their own manufacture, or by order of court, or by fiduciaries, and shall have a lien on the articles sold, or to be sold, for such tax, until such tax be paid, or such person selling or offering to sell the same takes out license for that purpose.

4th. To tax and license drays, wagons, carts, hacks, and coaches plying in the town for hire; also peddlers and itinerant venders of medicines, goods, wares, and merchandise, lottery agents, and butchers, and prevent any business being done of this kind without license.

5th. To license and regulate the sale of spirituous, vinous, and malt liquors by tavern and saloon-keepers, and all other dealers, either wholesale or retail, in said town, and to fix the rate of tax to be paid by such as may be licensed, in any sum not exceeding $200 per annum, or to withhold such license at their discretion: *Provided*, That no such license shall take effect until the dealer shall pay to the clerk of the Boyle county court the tax imposed, and execute the bond required by the laws of the State.

6th. To suspend indefinitely, or for a limited time, any license they may grant, whenever they may be satisfied that said tavern-keeper or coffee-house-keeper, or other dealer has permitted unlawful gaming, disorderly or indecent conduct to be practiced or committed in his house, or has permitted any person to tipple or drink to intoxication therein.

7th. To suppress and prohibit the setting up and use for hire of billiard, Jenny Lind, or pigeon-hole tables, or any similar contrivance within said town.

Paving and Repairing Streets.

§ 4. The board of trustees may, from time to time, direct and require the owners of lots or parts of lots in said town, when the same fronts on a street or alley, to cause the same to be curbed and paved with sidewalks in front of their respective lots or fractions of lots, of such width, and of such materials, and in such manner, and at such elevations, as the board may deem expedient; and also to repair the same in such mode and manner as they may direct; and also to grade and pave or macadamize one half of the street or alley in front of the whole line or lines of their said lots or fractions of lots, in such mode and manner as the trustees may direct. If the owner or owners of said lots or fractions of lots shall fail or refuse to have the same repaired, curbed, paved, graded, macadamized, or furnished with sidewalks within the time or manner prescribed by said trustees, it shall be lawful for the said trustees to have the same done at their own cost and charges, and the cost and charges thus incurred and expended by said trustees shall be taken and be a tax upon said lots and fractions of lots, and the owners thereof respectively, in proportion to the amount which the costs of the whole improvements under said order leaves to the length of said lots or fractions of lots respectively. Notice of such order or direction for repairing, grading, macadamizing, or furnishing it with sidewalks shall be given by publication in some news-

paper of the town by eight publications, and a copy of said order or direction, accompanied by the affidavit of the printer, that the same has been published agreeably to the provisions of this act, may be recorded in the clerk's office of the county court of Boyle, and shall be *prima facie* evidence that said direction was given and publication made as prescribed by this act, and an attested copy of the same may be used on the trial of any cause, and shall have the same force and effect as other attested copies now authorized by law.

Opening Streets.

§ 5. That whenever the public convenience may, in the opinion of the board of trustees, require any street, alley, lane, or highway to be opened, laid out, extended, changed, straightened, or altered, they may obtain, by purchase, from the owners thereof, such real estate as may be necessary therefor. That in all cases where they cannot obtain by purchase such real estate, they shall have power to cause to be filed a petition in the Boyle circuit court, describing the same, and a writ of *ad quod damnum* shall be awarded by the court, directed to the marshal of the town: *Provided*, That all persons having an ownership or interest in such real estate shall be made defendants to said petition, and persons under disabilities and non-residents shall be proceeded against as required by the Civil Code of Practice.

ARTICLE IV.

Duties of Trustees.

§ 1. It shall be the duty of the said board of trustees—

1st. To keep a journal of their proceedings, and at the request of a member the yeas and nays on any question shall be recorded: *Provided*, That no member shall vote on any question in which he has a private interest.

2d. To keep an account of all moneys levied, collected, and disbursed, and state on their journal for what each sum was disbursed, and shall at all times keep their journal open to the inspection of the citizens of the town.

3d. To once a year give a full and fair statement in writing signed by the chairman, of all sums collected, and of all sums disbursed the preceding year, and for what, and of all debts due them; which shall be published in a newspaper published in Danville, or posted up for inspection at three of the most public places within the town.

4th. To cause all orders and proceedings of the board to be entered on the journal, and to be signed by the chairman, or chairman *pro tempore*.

5th. To require all officers of the town to execute bonds in adequate penalties, with sufficient securities for the faithful discharge of their respective duties. Said bonds shall be made payable to the "Board of Trustees of the Town of Danville," and may contain such stipulations and conditions as the board may require and receive, and when executed, shall operate as a lien upon all the real and personal estate of such officer and their sureties, until their conditions are respectively complied with, and for a breach of such conditions and the unlawful acts of officers, the trustees, or any person aggrieved, may sue and recover against the officers and their sureties, and have appropriate judgment and execution.

§ 2. It shall be the duty of the chairman of the board to exercise a general supervision over all the executive and ministerial officers of the town, and see that all the laws of the town are faithfully executed.

ARTICLE V.

Clerk.

§ 1. The board of trustees shall appoint a clerk, whose duty it shall be to preserve the books, papers, and records belonging to the office. He shall keep a regular journal of the proceedings of the board, and record all its acts and resolutions, and draft all agreements between the board and other persons; he shall furnish attested copies of all acts and orders passed by the board when required to do so by persons entitled to demand the same; he shall draw his order on the treasurer for all sums due persons on claims allowed by the board. Upon the return of the assessor's lists to the board, he shall hand over one of said lists, with the additions and corrections made by the board, to the collector, together with the order fixing the rate of assessment; and also a list of the persons and property by whom and upon which taxes are due and unpaid, and the amount of each claim respectively. He shall perform all duties properly appertaining to his office, and may be removed at the pleasure of the board.

Treasurer.

§ 2. The treasurer appointed by the board shall take an oath to faithfully perform the duties of his office, and execute a bond in a penalty not less than five thousand dollars. The treasurer shall receive and receipt for all moneys paid to the board; he shall pay no money without a copy of an order of the board making the appropriation signed by the clerk, and he shall file all such vouchers for settlement with the board. His books shall at all times be open to the inspection of the officers and citizens of the town. The treasurer is authorized to receive and receipt for all taxes that may be paid to him before the 1st of October, annually. He shall, on or before the 10th day of October, annually, report to the clerk of the board a true list of all the taxes and moneys received by him. He shall, whenever required, report to the board the condition of the treasury, and shall at all times be ready for a settlement.

Assessor.

§ 3. That there shall be annually appointed by the board of trustees an assessor, and no one who is not qualified to vote for trustees shall be eligible to said office. He shall take an oath of office, in substance the same as county assessors. It shall be the duty of the assessor to call upon all taxable persons in the town, and make out a true list of their taxable property, with the value thereof, which list shall be made upon the oath of the party, to be administered by the assessor. Said lists shall be so taken as to include all real estate and every species of personal property, exclusive of household furniture, and all male persons over twenty-one years of age. If any person shall refuse to give a list of his or her property, the assessor shall make out a list from the best information he can procure. If there is any real estate within the town, the owners of which are absent or are unknown, the assessor shall report the fact specifically on his lists, and the board shall fix the valuation of such property, and cause it to be appended to the assessor's lists. Two fair copies of said lists, arranged in alphabetical order, shall be completed and returned to said board on or before the first day of June, annually. Upon the return of the assessor's lists the trustees shall give notice that any person or persons who may feel themselves aggrievd by an excess of

valuation, may appear before them at a stated meeting, to be held for that purpose, on or before the first of July annually, and upon satisfactory evidence being made to them, they may change such valuation. The assessor shall receive for services rendered such compensation as the board may determine after the lists are returned.

ARTICLE VI.

Judicial.

§ 1. The police court of Danville shall remain. It shall be a court of record, composed of a single judge, and shall have a marshal and prosecuting attorney. No person shall be eligible to the office of police judge unless he be over twenty-one years of age, and shall have been a resident of the town one year next preceding his election. The qualifications of a marshal shall be those of a sheriff.

§ 2. The police judge and marshal shall be elected by the qualified voters of the town, at the time and places, and in the manner prescribed by law for holding elections for county judges and sheriffs, and for the periods prescribed by the forty-first section, article four, of the Constitution of the State, and for holding the same the judge of the Boyle county court shall make all necessary orders, and appoint the necessary officers to conduct the same.

§ 3. Said court shall have jurisdiction of all causes, civil, criminal, and penal, in which justices of the peace have jurisdiction, and that in all criminal and penal cases he shall have the jurisdiction of two justices of the peace, and of all misdemeanors occurring and committed within the town.

§ 4. Said court shall also have the power to cause the arrest of all offenders for breaches of ordinance, or the penal and criminal laws of the State, and commit or discharge, or admit to bail, if bailable, and take recognizances, with surety, for appearance before the proper tribunal, and to impose such fines and penalties as may be prescribed by law for breaches of the said ordinance. Said judge shall be a general conservator of the peace within the town, and shall take an oath of office, in substance the same as county judges.

§ 5. Said court shall be governed in its rules of procedure by the Code of Practice, and appeals from its judgments may be taken as therein prescribed.

§ 6. Persons arrested under *capias pro fine*, or in custody, upon whom a fine has been imposed, shall be committed to jail or the work-house until the same shall be paid, unless discharged by law, or paid by work at the rate prescribed by ordinance, in or out of the work-house.

§ 7. A warrant to try any person for any alleged offense within the jurisdiction of the police court may be issued by any magistrate in Boyle county, and shall be made returnable before the police judge, if for a violation of an ordinance of the town; and if from any cause the police judge cannot try the case, or fails to attend or hold court, the case may be tried before the officer issuing the warrant, or any other magistrate in the county, who may issue all appropriate mesne and final process in cases cognizable by said court, or which have been adjudicated.

§ 8. Said court, whenever it is necessary, may detain offenders in custody over night, or if such persons are drunk, until they are sober, in the county jail or other safe place.

§ 9. That a return of not found on a *capias pro fine* or of no property found on an execution of *fieri facias*, issued from the police court, shall

authorize, in any court of competent civil jurisdiction, the same procedure for the satisfaction of the judgment that may be had in civil cases after a return of no property found: *Provided*, Defendant shall have the right at any time to replevy, for three months, any judgment, fine, or forfeiture in the same manner as allowed by law in similar cases in favor of the Commonwealth.

§ 10. The process of said court shall be directed to, and executed by, the marshal, unless for special reasons the judge cause it to be directed to another, which may be to any sheriff, constable, policeman, or marshal. It shall run in the name of the Commonwealth of Kentucky, and may go into any county of the Commonwealth, and said marshal or other officer may execute it anywhere in the State, or make, by indorsement on the process, a special bailiff to execute it, and the bailiff shall have the right to execute it, and the fees therefor that the marshal has by law. The police judge shall be entitled to a fee of one dollar for issuing a warrant, and for each judgment and recording the same, fifty cents, and for all other services shall be entitled to the same fees that are allowed to justices of the peace for similar services.

Attorney.

§ 11. That there shall be annually elected a prosecuting attorney for the town, at the same time and place, and in the same manner that trustees are elected, who shall take an oath of office to faithfully discharge his duties, and shall be a licensed practicing attorney, and a resident of the town one year next preceding his election, and shall hold his office one year after his election, or until his successor is duly elected and qualified.

§ 12. It shall be the duty of the town attorney to perform all professional services incident to his office, and when required, to furnish opinions upon all subjects submitted to him by the board of trustees or its committees.

§ 13. He shall receive for his services thirty per cent. of all fines imposed by the police court of the town, and of all forfeitures to the board of trustees: *Provided*, That he shall not receive any portion of any forfeiture until the collecting officer shall have received the same.

§ 14. That the compensation given as aforesaid to the town attorney shall be his fees for such services within the meaning of the tenth section of the third article of the Constitution of Kentucky, and not subject to be remitted.

Marshal.

§ 15. The marshal of the town, before he enters upon the duties of his office, shall take the oaths of office, in substance the same as those prescribed by law for sheriffs, and execute bond, with sufficient security, in a sum not less than three thousand dollars, conditioned as may be required by the board of trustees. It shall be his duty to execute and make due return of all notices and all processes legally directed to him, and receive and collect fines and forfeitures due and payable to the town, and account for and pay over the same at the time and in the manner required by law, and may command and take with him, if need be, the power of the town to aid him in the execution of the duties of his office. He shall attend the meetings of the board, and serve and execute all orders and all notices issued or made by them. He shall have all the powers, and shall be liable to all the responsibilities, of sheriffs in the execution of the duties of his office.

§ 16. The marshal shall be ex-officio collector of all taxes due the town: *Provided*, That the board of trustees may appoint another collector of taxes, for the same reasons that the county court may appoint a collector of revenue in the stead of the sheriff.

§ 17. A vacancy in the office of marshal shall be temporarily filled by the board of trustees, until the next succeeding August election, and until the successor then elected shall qualify.

§ 18. That the marshal shall be allowed to charge the same fees and commissions that are allowed to constables for similar services, and for all other services shall receive such salary as may be determined by the board of trustees.

ARTICLE VII.

Miscellaneous Provisions.

§ 1. If a member of the board of trustees, or if any officer of the town shall take, or agree to take, any bribe to do or omit to do any act in his official capacity, he shall forfeit his office, and be fined in a sum not less than two hundred nor more than one thousand dollars, to be recovered by civil procedure before any judicial tribunal having jurisdiction, or upon indictment or presentment of a grand jury.

§ 2. That the present trustees, and all other officers of the town, shall continue in office until their successors are elected and qualified under the present act, and are hereby invested with all the powers, rights, and privileges which the trustees and officers to be elected under this act will possess.

§ 3. That this act shall not invalidate any legal act done by the board of trustees of Danville, or by its officers prior to the passage of this act, and all ordinances and regulations now in force in said town, not inconsistent with this act, shall remain in full force until altered, modified, or repealed by the board of trustees after this act shall take effect.

§ 4. No suit shall be instituted against the trustees, unless the same shall be instituted in the county of Boyle.

§ 5. That all acts inconsistent herewith are hereby repealed. This act shall take effect from the passage thereof.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Campbell and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	Wm. Johnson,
James F. Clay,	Jesse C. Gilbert,	Alfred T. Pope,
Harrison Cockrill,	D. R. Haggard,	A. G. Talbott,
John E. Cooper,	Thomas F. Hargis,	W. L. Vories,
J. H. Dorman,	G. A. C. Holt,	Ben. J. Webb,
William P. Duvall,	John W. Johnson,	Emery Whitaker—19.
W. McKee Fox,		

Those who voted in the negative, were—

E. P. Campbell,	J. B. Haydon,	W. H. Sneed—4.
Edwin Hawes,		

Resolved, That the title of said bill be as aforesaid.

Mr. Gatewood, from the Committee on Education, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to increase the salaries of the Superintendent of Public Instruction and his clerk,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	John J. Gatewood,	William Johnson,
James F. Clay,	Jesse C. Gilbert,	Alfred T. Pope,
John E. Cooper,	H. S. Hale,	W. H. Sneed,
J. H. Dorman,	Thomas F. Hargis,	A. G. Talbott,
William P. Duvall,	G. A. C. Holt,	Ben. J. Webb,
W. McKee Fox,	John W. Johnson,	Emery Whitaker—19.
W. W. Frazer,		

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	W. L. Vories—5.
W. H. Chelf,	J. B. Haydon,	

Resolved, That the title of said bill be as aforesaid.

Mr. Sneed, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Thos. Ballew, of Pulaski county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Hale, from the Committee on Finance—

An act for the benefit of John C. Conklin, late clerk of the Monroe county court;

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to re-enact an act, entitled "An act to regulate the sale of liquors," approved February 1st, 1870;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, February 25, 1873.

Gentlemen of the Senate:

I nominate for your advice and consent Madison C. Johnson as a Commissioner for the Eastern Lunatic Asylum at Lexington.

Respectfully,
P. H. LESLIE.

Resolved, That the Senate advise and consent to said nomination.

The Senate took up for consideration a bill, entitled

A bill for the benefit of the Quarter-Master General of this Commonwealth.

Said bill reads as follows, viz:

WHEREAS, The Commissioners of the Sinking Fund have, from time to time, found it necessary to send General Fayette Hewitt, Quarter-Master General, to Washington to attend to the settlement of the war claim of Kentucky, and inasmuch as it is believed by said Commissioners that the money which has been collected therefrom is due largely to the judicious, careful, and persistent labor performed, aside from his official duties, by General Hewitt in Washington and elsewhere; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Commissioners of the Sinking Fund are hereby authorized and directed to pay to General Fayette Hewitt such a fair compensation for his labor as they may deem fit: *Provided*, It shall not exceed one per cent. upon such sums as have, or may hereafter be collected from the United States through his exertions: *And provided further*, That the same shall be paid out of moneys yet to be collected from the United States.

§ 2. This act to take effect from its passage.

Mr. Vories then moved to amend said bill as follows, viz:

Strike out the words "one per cent.," and insert in lieu thereof the words "two thousand dollars."

Mr. Cooper then moved to amend the amendment proposed by Mr. Vories as follows, viz:

Strike out "two thousand," and insert the words "thirty-five hundred."

And the question being taken on the amendment proposed by Mr. Cooper, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cooper and and Vories, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	J. H. Dorman,	J. B. Haydon,
W. H. Chelf,	William P. Duvall,	John W. Johnson,
James F. Clay,	John J. Gatewood,	Wm. Johnson,
Harrison Cockrill,	Jesse C. Gilbert,	W. H. Sneed,
G. W. Connor,	D. R. Haggard,	A. G. Talbott—16.
John E. Cooper,		

Those who voted in the negative, were—

John S. Barlow,	Thomas F. Hargis,	Alfred T. Pope,
W. McKee Fox,	Edwin Hawes,	W. L. Vories,
W. W. Frazer,	G. A. C. Holt,	Ben. J. Webb,
H. S. Hale,	A. L. McAfee,	Emery Whitaker—12.

The question was then taken on the adoption of the amendment, as amended, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and Holt, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	W. W. Frazer,	D. R. Haggard,
Harrison Cockrill,	John J. Gatewood,	H. S. Hale—7.
John E. Cooper,		

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. McAfee,
W. H. Chelf,	Thomas F. Hargis,	Alfred T. Pope,
James F. Clay,	Edwin Hawes,	W. H. Sneed,
G. W. Connor,	J. B. Haydon,	A. G. Talbott,
J. H. Dorman,	G. A. C. Holt,	W. L. Vories,
William P. Duvall,	John W. Johnson,	Ben. J. Webb,
W. McKee Fox,	William Johnson,	Emery Whitaker—21.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

W. H. Chelf,	Jesse C. Gilbert,	A. L. McAfee,
James F. Clay,	Thomas F. Hargis,	Alfred T. Pope,
Harrison Cockrill,	J. B. Haydon,	W. H. Sneed,
G. W. Connor,	G. A. C. Holt,	A. G. Talbott,
J. H. Dorman,	John W. Johnson,	Ben. J. Webb—17.
William P. Duvall,	Wm. Johnson,	

Those who voted in the negative, were—

John S. Barlow,	W. McKee Fox,	H. S. Hale,
E. P. Campbell,	W. W. Frazer,	Edwin Hawes,
John E. Cooper,	John J. Gatewood,	W. L. Vories,
F. W. Darby,	D. R. Haggard,	Emery Whitaker—12.

Resolved, That the title of said bill be as aforesaid.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

Gentlemen of the Senate:

The bill which originated in your honorable body, entitled "An act to amend section seventy-seven of the Civil Code of Practice," provides that the service of a summons, notice, or other legal process, upon any railroad company running or operating a railroad in this State, may be done by delivering a copy to any conductor of such railroad company.

The conductor of a train of railway cars is an officer in whom the traveling public have quite as much interest as the company by whom he is employed, and that public have the right to demand that he be relieved while in transit, as nearly as may be, from every other care and subject of thought than that which is involved in the great responsibility of watching over the safety of his train and the lives of passengers. If notice or summons is served on him when on the way, faithfulness to his employers would require him to read it over and consider whether he should immediately give information thereof, or postpone it, his attention being thus, and in other ways, diverted from his responsible duty. His efficiency as a safe officer for the traveling public might be seriously impaired. Then, again, how often might a danger signal be displayed between the regular stopping places on the road only to serve notice or summons on the conductor, deranging the orderly relations of the train to the time-table, and necessitating a higher speed of travel to avoid collision with another train. Such frequent derangement might eventually lead to collisions entailing consequences the most frightful and sad. It is now a custom, on some of the railroads, with officers to set danger signals and stop the pay trains at any point along the line of road for the purpose of garnisheeing paymasters at the suit of parties who have claims against section hands. If this bill becomes a law, soon all passenger and freight trains may be stopped in the same way, to the great annoyance and inconvenience of the traveling public. It is impossible for an engineer, when he sees one of these signals, to know whether it is in fact to warn him of danger, or whether some officer may not be lying in wait to serve process on the conductor for the company to appear before a justice of the peace to answer for killing a hog, a sheep, or cow, or to take depo-

sitions. It is eminently proper that the amplest provision should be made for the service of process upon all railroad and other corporations doing business in the State of Kentucky. At every depot and station there is an agent to be found at all times, and there are other officers and employees of railroad companies all along their line of road, upon whom legal process might very well be served as a representative of the company, without endangering human life by such interference with the chief officer in charge of the trains.

For these reasons, I am constrained to withhold my approval, and most respectfully return the bill. P. H. LESLIE.

The bill referred to in said message reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That section seventy-seven of the Civil Code of Practice be, and the same is hereby, so amended as to authorize the service of a summons, notice, or other legal process, on any railroad company running or operating a railroad in this State, by delivering a copy to any conductor or depot agent of said company found in the county where said action has been instituted and is pending.

§ 2. This act shall take effect from and after its passage.

The question was then taken, "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" and it was decided in the negative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	Thomas F. Hargis,	G. A. C. Holt,
J. H. Dorman,	Edwin Hawes,	Emery Whitaker—8.
Jesse C. Gilbert,	J. B. Haydon,	

Those who voted in the negative, were—

John S. Barlow,	William P. Duvall,	William Johnson,
W. H. Chelf,	W. McKee Fox,	Alfred T. Pope,
James F. Clay,	W. W. Frazer,	W. H. Sneed,
Harrison Cockrill,	John J. Gatewood,	A. G. Talbott,
G. W. Connor,	D. R. Haggard,	W. L. Vories,
John E. Cooper,	H. S. Hale,	Ben. J. Webb—20.
F. W. Darby,	John W. Johnson,	

So said bill was rejected.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—

1. A bill for the benefit of Jacob Graff and Thomas Laws.

On motion of same—

2. A bill to further protect the interests of married women in this Commonwealth.

On motion of Mr. Dorman—

3. A bill to incorporate the General Association of Colored Baptists in Kentucky.

On motion of Mr. Hale—

4. A bill to incorporate the city of Mayfield.

On motion of Mr. Fox—

5. A bill to amend the charter of the Pulaski Agricultural and Mechanical Association.

On motion of Mr. McAfee—

6. A bill for the benefit of the Jessamine Journal.

On motion of same—

7. A bill for the benefit of the county judge of Jessamine county.

Ordered, That the Committee on Claims prepare and bring in the 1st; the Committee on the Judiciary the 2d and 4th; the Committee on Religion and Morals the 3d; the Committee on Agriculture and Manufactures the 5th, and the Committee on Courts of Justice the 6th and 7th.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled resolutions, which originated in the Senate, of the following titles, viz:

Resolution in relation to land to be acquired by the United States in the city of Covington for the erection of a public building;

Resolution making certain inquiries of the Auditor;

Resolution consenting to the purchase of certain grounds in the city of Paducah and county of McCracken by the Government of the United States, for custom-house and other purposes;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of school district No. 16, in Larue county;

An act amending an act approved February 26th, 1872, entitled "An act to amend the Revised Statutes in regard to filling vacancies in the office of sheriff;"

An act to amend an act, entitled "An act to incorporate the town of Marshall, in Bath county;"

An act for the benefit of the marshal of Mt. Sterling;

An act to amend the charter of the Glasgow Deposit Bank, approved February 13th, 1863;

An act to amend the charter of the Winchester and Muddy Creek Turnpike Road Company;

An act for the benefit of the Woodford Cream Cheese Company;

An act to amend an act to charter the Owensboro and Russellville Railroad Company, approved February 27th, 1867;

An act to amend an act, entitled "An act to amend the charter of the Shelbyville Railroad Company, and to authorize certain counties to take stock in same;"

An act incorporating the Citizens' Bank of Paris;

An act to extend the streets and alleys in Marion, in Crittenden county;

An act to amend an act, entitled "An act to incorporate Bell City, in Crittenden county;"

An act for the benefit of school district No. 6, in Greenup county;

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 26, 1873.

The following petitions were presented, viz:

By Mr. Cockrill—

1. The petition of sundry citizens of Powell county, praying the repeal of an act prohibiting the sale of liquor in said county.

By Mr. John W. Johnson—

2. The petition of sundry citizens of school district No. 30, in Butler county, praying the passage of an act authorizing the collection of an additional tax for school purposes in said district.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Propositions and Grievances, and the 2d to the Committee on Education.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Talbott, from the Committee on Railroads—

An act to amend an act, entitled "An act to incorporate the Kentucky and Southern Railway Company."

By same—

An act providing for the collection of the railroad tax in the county of Montgomery.

By Mr. Whitaker, from the Committee on Banks and Insurance—

An act to incorporate the Winchester Savings Bank.

By same—

An act to incorporate the Deposit Bank of Cynthiana.

With amendments to the last two named bills.

Which were adopted.

Ordered, That said bills, the last two as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wm. Johnson, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of William Cook's heirs,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Duvall, from the Committee on Internal Improvement—

1. A bill to authorize the sale of the Stamping Ground and Lecompt's Run Turnpike Road.

By Mr. Pope, from the Committee on Banks and Insurance—

2. A bill for the benefit of the incorporated banks in Kentucky.

By Mr. Gatewood, from the Committee on Education—

3. A bill for the benefit of school district No. 47, in Larue county.

By Mr. Hale, from the Committee on Finance—

4. A bill making an appropriation for the benefit of J. C. Farley, of McCracken county.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

5. A bill to amend the title of an act, entitled "An act to amend an act, entitled 'An act to regulate the sale and storage of illuminating oils made from coal, petroleum, and other bituminous substances,'" approved February 24th, 1873.

By Mr. Cooper, from the Committee on Propositions and Grievances—

6. A bill to repeal the fourth section of an act, entitled "An act to incorporate the Lee County Lumbering, Mining, and Manufacturing Company."

By Mr. Haggard, from the Committee on Propositions and Grievances—

7. A bill appropriating money.

By Mr. Clay, from the Committee on Railroads—

8. A bill to authorize the Knox county court to guarantee the right of way to said county to the first railroad company making a railroad through the county in the direction of Cumberland Gap.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was ordered to be printed, and made the special order of the day for Tuesday next, the 4th of March; the 7th was ordered to be printed, and made the special order of the day for Thursday, the 6th of March; the 8th was recommitted to the Committee on Railroads, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Webb, from the Committee on Agriculture and Manufactures, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to provide for a Geological Survey and Mineralogical Survey of the State,

Reported the same without amendment.

Said bill reads as follows, viz:

[*For bill—see Acts present session.*]

Mr. Hargis then moved to postpone the further consideration of said bill until Tuesday next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Pope and Hawes, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	Wm. Johnson,
F. W. Darby,	H. S. Hale,	W. H. Sneed,
J. H. Dorman,	Edwin Hawes,	W. L. Vories—11.
Jesse C. Gilbert,	John W. Johnson,	

Those who voted in the negative, were—

W. H. Chelf,	William P. Duvall,	Alfred T. Pope,
James F. Clay,	John J. Gatewood,	A. G. Talbott,
Harrison Cockrill,	Thomas F. Hargis,	Ben. J. Webb,
John E. Cooper,	G. A. C. Holt,	Emery Whitaker—12.

Mr. Hawes then moved to amend the seventh section of said bill by striking out the word "ten" before the word "thousand," and inserting in lieu thereof the word "twenty."

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Haggard,

Ordered, That said bill be printed, and made the special order of the day for Thursday, March 6th.

The Speaker laid before the Senate the response of the Commissioners of the Sinking Fund to a resolution of the Senate of the 20th inst., which reads as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, February 26, 1873.

Gentlemen of the Senate:

In response to the resolution adopted by your honorable body, requesting that the Commissioners of the Sinking Fund report to the Senate the amount of the bonded indebtedness of the State that has been paid off since the 10th day of October, 1872, the kind of bonds, when paid, and to whom, I submit the following:

A Statement showing the amount of bonded indebtedness of the State of Kentucky that has been paid since the 10th day of October, 1872, to the 22d day of February, 1873, the kind of bonds, when paid, and to whom paid, viz:

1872.			
October	16.	Sixty-eight general issue bonds Bank of Kentucky	$68,000 00
November	16.	One Kentucky military bond, Thos. M. Dickey, Cashier	1,000 00
1873.			
January	3.	Two general issue bonds, H. I. Morgan & Co.	2,000 00
January	15.	One general issue bond, Grant Green, Cashier	1,000 00
January	28.	Two general issue bonds, H. Amy & Co.	2,000 00
February	14.	One general issue bond, Grant Green, Cashier	1,000 00
February	21.	Forty deficiency bonds, Grant Green, Cashier	200,000 00
			$275,000 00

Respectfully,

P. H. LESLIE,

Chairman Board Commissioners Sinking Fund.

Ordered, That said response be printed.

Mr. Webb, from the Committee on Agriculture and Manufactures, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to incorporate the St. Charles Coal Company,

Reported the same without amendment.

Said bill was then amended.

Mr. Hargis then moved to reconsider the vote by which said bill had been amended.

Which motion was simply entered.

Ordered, That the further consideration of said bill be postponed until to-morrow.

Mr. Pope was, by the Speaker, placed on the Committee on Railroads, in place of Mr. Standiford.

The Senate, according to order, took up for consideration the following bills, viz:

1. A bill to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum," approved 5th day of February, 1873.

2. A bill to provide for the inspection of steam boilers and the better protection of life and property against accidents arising from steam boiler explosions.

3. A bill to amend an act to incorporate the Licking River Lumber and Mining Company.

4. A bill to prohibit the running of logs, wood, or other lumber, loose, down Licking river.

Ordered, That the 1st be made the special order of the day for Tuesday next, the 4th of March; the 2d be made the special order of the day for Friday, 28th inst., and that the 3d and 4th be referred to the Committee on the Judiciary.

The Senate took up for consideration the resolution heretofore introduced by Mr. Pope, entitled

Resolution authorizing the creation of an additional standing committee of the two Houses of the General Assembly.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a standing committee, to be composed of five members of each House, and known as a "Committee on the Revision of the Constitution," shall be appointed by the Speakers of the respective Houses at the commencement of each regular session of the General Assembly, who are to take into consideration the necessity and expediency of calling a convention to revise, amend, or readopt the Constitution of Kentucky, and report their proceedings and opinions thereon to the Senate and House of Representatives within the first twenty days of any regular session. The Speakers shall, as soon as the Journal is read, call for reports from this committee.

The question was taken on the adoption of said resolution, and it was decided in the affirmative.

The Senate also took up for consideration a bill, entitled

A bill to require agents or telegraph operators located on the railroads in this Commonwealth to give notice when passenger trains are more than one hour behind time.

Mr. Haggard then moved to amend said bill.

Mr. Darby then moved to amend the amendment proposed by Mr. Haggard.

Pending the consideration of which, on motion,

Ordered, That said bill and proposed amendments be placed in the orders of the day.

Mr. Whitaker, from the Committee on Banks and Insurance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of the Farmers' Bank of Kentucky,

Reported the same with an amendment as a substitute therefor.

Mr. Vories moved to amend the amendment proposed by the committee.

Pending the consideration of which, on motion,

Ordered, That the further consideration of said bill and proposed amendments be postponed until Friday next, 28th inst.

Mr. Talbott, from the Committee on Railroads, to whom was referred the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to re-enact and amend the charter of the Paducah and Tennessee Railroad Company,

Reported the same, with the expression of opinion that said amendment should be concurred in.

And the question being taken thereon, it was decided in the affirmative.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to legalize the acts of W. N. Boaz as deputy clerk of the Graves county court;

An act to incorporate the Richmond, Irvine, and Three Forks Railroad Company;

An act for the benefit of the Maysville and Lexington Railroad, Northern Division;

An act to amend the charter of the Elizabethtown and Paducah Railroad Company;

Resolution directing the firing of a national salute on the 22d of February, 1873;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate Millersburg Academy;

An act for the benefit of the town of Springville, in Greenup county;

An act to amend an act incorporating the Concord and Tollsboro Turnpike Road Company;

An act to incorporate the Enterprise Improvement and Manufacturing Company;

An act to amend the charter of the Orangeburg and Tollsboro Turnpike Road, in Mason county;

An act to charter the Lebanon Wooden-ware Manufacturing Company;

And had found the same truly enrolled.

Said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—

1. A bill concerning assessors.

On motion of same—

2. A bill to incorporate the Louisville Odd Fellows' Temple Association.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st, and the Committee on Charitable Institutions the 2d.

The Senate resumed the consideration of the report of the Joint Committee on Revision of the Statutes.

At the last session at which the report was under consideration, the amendments proposed by Messrs. Prichard and Sneed were pending, both of which were rejected by the Senate, and the tenth chapter, as reported by the committee, was adopted.

The eleventh chapter was also adopted without amendment, as was the twelfth also.

Chapter thirteen, section fourteen, was amended by a substitute offered by Mr. Wm. Johnson, and the chapter then adopted.

Chapters fourteen and fifteen were adopted as reported by the committee.

On motion of Mr. Haggard, the sixth section of article six, chapter sixteen, was amended by striking out "seventy-five," and inserting in lieu thereof "one hundred."

Mr. Gilbert then moved to amend the report of the committee, article four, section three, subdivision one, by striking out "sixty," and inserting in lieu thereof "seventy-five" (compensation for jailers for keeping prisoners).

The question was then put by the Speaker, "Shall the report of the committee remain unchanged?" and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gilbert and Sneed, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Thomas F. Hargis,	W. H. Sneed,
J. H. Dorman,	Edwin Hawes,	A. G. Talbott,
W. W. Frazer,	J. B. Haydon,	Ben. J. Webb,
John J. Gatewood,	William Johnson,	Emery Whitaker—14.
H. S. Hale,	Alfred T. Pope,	

Those who voted in the negative, were—

W. H. Chelf,	William P. Duvall,	John W. Johnson,
James F. Clay,	Jesse C. Gilbert,	W. L. Vories—8.
John E. Cooper,	D. R. Haggard,	

Mr. Frazer then moved to amend article five, section one, by striking out the word "three" wherever it occurs, and insert the word "two."

Pending the consideration of which, the Senate adjourned.

THURSDAY, FEBRUARY 27, 1873.

A message was received from the House of Representatives, announcing that they had refused to concur in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to protect the owners of breeding and training farms and stables.

A message was also received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, of the following title, viz:

An act to amend an act to incorporate the Cumberland and Ohio Railroad Company,

With an amendment thereto.

That they had passed bills of the following titles, viz:

1. An act to authorize the transfer of causes pending in the circuit court to the court of common pleas in Ballard county.

2. An act to amend an act, entitled "An act to incorporate the Bowling Green and Madisonville Railroad Company."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Courts of Justice, and the 2d to the Committee on Railroads.

The following petition and remonstrance were presented, viz:

By Mr. Haggard—

1. The petition of sundry citizens of Burksville, praying for the opening of streets and alleys in said town.

By Mr. Frazer—

2. The remonstrance of sundry citizens of the town of Franklin, remonstrating against the passage of any act making said town a common school district.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on the Judiciary, and the 2d to the Committee on Education.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act for the benefit of the Baptist Church of Midway, in Woodford county.

By Mr. Hawes, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous liquors in the town of Caverna.

By Mr. Frazer, from the Committee on Education—

An act to amend an act, entitled "An act for the benefit of common schools in Clinton county, and the act amending the same."

By Mr. Sneed, from the Committee on Education—

An act to incorporate the Society Franco-American of Mutual Assistance of the city of Paducah.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to prohibit the selling of spirituous, vinous, or malt liquors in Tompkinsville, Monroe county, or within one mile thereof.

By Mr. Pope, from the Committee on the Judiciary—

An act to provide for an interpreter for the Louisville chancery court and the Jefferson court of common pleas.

With amendments to the last two named bills.

Which were adopted.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate had amended a bill, which originated in the House of Representatives, entitled

An act to incorporate the St. Charles Coal Company.

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the amendment proposed, and it was decided in the negative.

[*For bill—see Acts present session.*]

The amendment proposed was to strike out "fifteen thousand acres," and insert "five thousand."

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hawes and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	Thomas F. Hargis,
R. A. Burton,	W. McKee Fox,	John W. Johnson,
Harrison Cockrill,	W. W. Frazer,	Alfred T. Pope,
John E. Cooper,	John J. Gatewood,	Ben. J. Webb—14.
J. H. Dorman,	D. R. Haggard,	

Those who voted in the negative, were—

James F. Clay,	Edwin Hawes,	A. G. Talbott,
F. W. Darby,	J. B. Haydon,	W. L. Vories,
Jesse C. Gilbert,	G. A. C. Holt,	Emery Whitaker—11.
H. S. Hale,	Wm. Johnson,	

Resolved, That the title of said bill be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

A bill to amend section 77 of the Civil Code of Practice.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

A bill to authorize Samuel Salyer, of Magoffin county, to adopt John P. Siner as a legal heir-at-law.

By Mr. Hawes, from the Committee on Religion and Morals—

A bill for the benefit of the town of Greensburg.

By Mr. Dorman, from the Committee on Religion and Morals—

A bill to incorporate the General Association of Colored Baptists in Kentucky.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the first was ordered to be printed, and made the special order of the day for Saturday, the first of March, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration a resolution heretofore introduced by Mr. Hargis.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners on the revision of the Statutes shall not make notes of reference to the decisions of the Court of Appeals in said revision, except marginal references opposite the section adjudicated upon, showing the page and volume of reports.

The question was then taken on the adoption of said resolution, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

J. H. Dorman,	Jesse C. Gilbert,	W. H. Sneed,
W. W. Frazer,	Thomas F. Hargis,	Ben. J. Webb,
John J. Gatewood,	Alfred T. Pope,	Emery Whitaker—9.

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	John W. Johnson,
R. A. Burton,	H. S. Hale,	William Johnson,
W. H. Chelf,	Edwin Hawes,	A. G. Talbott,
James F. Clay,	J. B. Haydon,	W. L. Vories—12.

The Senate took up for consideration a bill, entitled

A bill for the benefit of married women.

Said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend an act to incorporate the Cumberland and Ohio Railroad Company.

Ordered, That the further consideration of said bill and proposed amendment be postponed to, and made the special order of the day for, Tuesday next, March 4.

The Senate took up for consideration the resolution heretofore introduced by Mr. Haggard, entitled

Resolution in relation to the submission to a vote of the people the propriety of abolishing the sale of ardent spirits, &c., on the Sabbath day.

Said resolution reads as follows, viz:

WHEREAS, The present use of ardent spirits, wines, and malt liquors in the Commmonwealth of Kentucky has grown to such alarming proportions that it is regarded as an evil that the humanitarian, moralist, and Christian feel that it is their highest duty to use such means as will prevent its indiscriminate use and sale in this Commonwealth; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That at the next election for Representatives to the General Assembly of this Commonwealth there shall be a column opened upon each poll-book in the Commonwealth for the election of said Representatives, and to each legal voter the question shall be propounded, "Are you for or against closing the doors and refusing to permit ardent spirits, wines, or malt liquors to be sold by any person on the Sabbath day in this Commonwealth?" The clerk of the election in each county precinct shall make out a true statement; and it shall be the duty of the county judge to compare the vote of his county for and against the proposition of suppressing the sale of ardent spirits, wines, and malt liquors in this Commonwealth

on the Sabbath day, and forward a certified statement to the Governor, which statement shall be published in such papers as he may choose, over his signature.

Together with the amendment proposed thereto by Mr. Pope, which reads as follows, viz:

Amend the resolution so as to make the question propounded to the voter read as follows: "Are you for or against closing the doors and refusing to permit spirits, wines, or malt liqurs to be sold by any person on the Sabbath day in this county or legislative district?" so as to enable each county or legislative district to indicate the wish of said county or district in regard thereto.

The question was then taken on the adoption of the amendment proposed by Mr. Pope, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	William P. Duvall,	J. B. Haydon,
W. H. Chelf,	W. McKee Fox,	G. A. C. Holt,
Harrison Cockrill,	W. W. Frazer,	Wm. Johnson,
G. W. Connor,	John J. Gatewood,	Alfred T. Pope,
John E. Cooper,	Jesse C. Gilbert,	Ben. J. Webb—16.
F. W. Darby,		

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	W. H. Sneed,
James F. Clay,	Thomas F. Hargis,	A. G. Talbott,
J. H. Dorman,	Edwin Hawes,	W. L. Vories,
D. R. Haggard,	John W. Johnson,	Emery Whitaker—12.

The question was then taken on the adoption of the resolution introduced by Mr. Haggard, as amended by the resolution introduced by Mr. Pope, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	W. H. Sneed,
R. A. Burton,	John J. Gatewood,	A. G. Talbott,
J. H. Dorman,	D. R. Haggard,	W. L. Vories—11.
William P. Duvall,	Thomas F. Hargis,	

Those who voted in the negative, were—

W. H. Chelf,	Jesse C. Gilbert,	John W. Johnson,
James F. Clay,	H. S. Hale,	Wm. Johnson,
Harrison Cockrill,	Edwin Hawes,	Alfred T. Pope,
John E. Cooper,	J. B. Haydon,	Ben. J. Webb,
F. W. Darby,	G. A. C. Holt,	Emery Whitaker—16.
W. McKee Fox,		

A message was received from the House of Representatives, asking that a committee be appointed on the part of the Senate, to act in conjunction with a similar committee already appointed on the part of the House of Representatives, whose duty it shall be to wait upon the Governor, and ask the withdrawal of two bills which had been presented to him for his approval and signature, viz: bills which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the city of Louisville.

An act to amend an act to reduce into one all previous acts incorporating the town of Woodville, in the counties of McCracken and Ballard.

Whereupon Messrs. Webb and Pope were appointed said committee.

After a short time, said bills were delivered to the messengers, and by Mr. Webb returned to the Senate.

Leave was given to bring in the following bills, viz:

On motion of Mr. Hale—

1. A bill to incorporate the Cairo and Tennessee River Railroad Company.

On motion of Mr. Gilbert—

2. A bill for the benefit of Estheline B. Meyers, of McCracken county.

On motion of Mr. Dorman—

3. A bill to amend section 16, article 17, chapter 28, title "Crimes and Punishments," of the Revised Statutes.

On motion of Mr. Sneed—

4. A bill for the benefit of the druggists of this Commonwealth.

Ordered, That the Committee on Railroads prepare and bring in the 1st, and the Committee on Revised Statutes and Codes of Practice the 2d, 3d, and 4th.

And then the Senate adjourned.

FRIDAY, FEBRUARY 28, 1873.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of resolutions which originated in the Senate, of the following titles, viz:

Resolution in relation to the completion of the public buildings, known as the "Fire-proof Offices."

Resolution appointing a joint committee to visit the House of Reform and Feeble-minded Institute for certain purposes.

Resolution in relation to the disbursement of the funds of the State in support of the several charitable institutions.

With an amendment to the last named resolution.

That they had adopted resolutions of the following titles, viz:

Resolution providing that retailers of coal reaching Frankfort by the Kentucky river may do so without payment of city taxes for retailing the same.

Resolution instructing Senators and requesting Representatives in Congress in regard to pensioning certain soldiers and others.

Which resolutions were taken up and referred—the 1st to the Committee on Revised Statutes and Codes of Practice, and the 2d to the Committee on Military Affairs.

A message was also received from the House of Representatives, announcing that they had passed a bill of the following title, viz:

An act to amend the articles of incorporation of the People's Building and Loan Association of Louisville.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the Committee on Revised Statutes and Codes of Practice.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Merchants' Bank of Kentucky, and the act amendatory thereof, approved March 3d, 1860.

An act to amend the charter of the Newport Street Railway Company.

An act to incorporate the Eclipse Woolen Mills.

An act for the benefit of the Maysville and Lexington Railroad, Northern Division.

An act to incorporate the Decoursey Station, Taylor Road, and Bank Lick Short-line Turnpike Company.

An act to amend the charter of the Jefferson Southern Pond Draining Company.

An act to amend an act, entitled "An act to incorporate the Maysville, Flemingsburg Coal and Iron Region Railway Company."

An act to incorporate the National Pipe Contract Company.

An act to incorporate the Slate Ford Coal Company.

The following petitions were presented, viz:

By Mr. Cooper—

1. The petition of sundry citizens of Breathitt county, asking the passage of an act to incorporate the Troublesome Creek Lumber and Mining Company.

By Mr. Talbott—

2. The petition of S. Robertson, asking a change of the name of Mary Q. Gadbury.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Propositions and Grievances, and the 2d to the Committee on Courts of Justice.

On motion of Mr. John W. Johnson, a message was sent to the House of Representatives, asking leave to withdraw the announcement of the passage by the Senate of a bill, which originated in the House of Representatives, entitled

An act to authorize the circuit court clerk of Butler county to make a general cross-index.

After a short time, said bill was handed in at the Clerk's desk.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

1. A bill to incorporate the Highland Coal Company, of Hopkins county.

By Mr. Gilbert, from the Committee on Courts of Justice—

2. A bill to suppress lawlessness in this Commonwealth.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

3. A bill to authorize the Auditor of Public Accounts to allow certain tax credits claimed by Theodore Schwartz & Co., of Jefferson county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

4. A bill to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Calhoun," approved March 4th, 1872.

By same—

5. A bill to repeal an act, entitled "An act to prohibit the sale of spirits in Breathitt and Powell counties."

By Mr. Gilbert, from the Committee on Courts of Justice—

6. A bill to provide for a March term of the Jessamine quarterly court.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was ordered to be printed, and made the special order of the day for Wednesday next, March 5th, and the 1st, 3d, 4th, and 5th were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Gilbert, from the Committee on Courts of Justice, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to incorporate the Minett Orphan Asylum, of the city of Louisville,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, By the will of Julius C. Minett, late of the State of New Jersey, which will has been ordered to record in the office of the Jefferson county court, there is the following devise, to-wit: "Ninth. It is my will, and I do give a certain parcel of real estate, containing about two acres, in the city of Louisville, Kentucky, it being the undivided one half of four acres now held by Israel B. Alford, of said city, and myself, to build an orphan asylum upon, to be under the control of the rector and church wardens of the various Protestant Episcopal Churches as a board of

directors, and the Bishop of the diocese as president, within the precinct of the said city. It is my will, and I do give, one thousand dollars towards a permanent fund for the endowment of said asylum: *Provided*, That, although under the control of only Episcopal, it shall be free to the orphans of all denominations and races of men;" now, therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Right Reverend Benjamin B. Smith, Bishop of the Protestant Episcopal Church in the diocese of Kentucky, James Craik, rector, and John M. Robinson and William Cornwall, wardens of Christ Church; E. T. Perkins, rector, and W. F. Bullock and R. A. Robinson, wardens of St. Paul's Church; Wm. C. Butler and Jas. P. Arnold and D. L. Miller, wardens of St. John's Church; Louis P. Tscheffelly, rector, and J. M. Bodine and Silas F. Miller, wardens of Grace Church; C. H. Shield, rector, and W. S. Parker and J. E. Hardy, wardens of St. Andrew's Church; W. H. Platt, rector, and Louis Tripp and James Bridgeford, wardens of Calvary Church; Robert M. Baker, rector, and Horace Gooch and Arthur Heder, wardens of Zion's Church; Joseph S. Malone, rector, and Wm. A. Meriwether and Wm. McCready, wardens of Emanuel Church; Thomas G. Porter, rector, and John W. Stine and Thomas J. Wyatt, wardens of Trinity Church; Louis P. Tschiffelly, rector, and C. W. Parsons and J. H. Bunce, wardens of St. Peter's Church; J. N. Norton, rector, and N. B. Rogers and H. Pickett, wardens of the Church of our Merciful Saviour; James Craik, rector, and Wm. Babb and Henry W. Barrett, wardens of the Church of the Advent, being the rectors and wardens of the various Protestant Episcopal Churches in the city of Louisville, and their successors in office, be, and they are hereby, declared a body corporate, under the name and style of the President and Directors of the Minett Orphan Asylum of the city of Louisville; and by that name may take and hold to themselves and their successors in office the real estate and money devised as aforesaid, to be used and applied as required by the terms of said will. The said corporation may also take, by purchase or devise, and hold the same, as aforesaid, any other property or money for the purposes of said institution, the interest on which shall not exceed the sum of ten thousand dollars per annum.

§ 2. The Bishop of the Protestant Episcopal Church in the diocese of Kentucky, and the rectors and wardens for the time being of the several churches named in the first section of this act, shall always constitute the board of president and directors as provided therein.

§ 3. It shall be competent for the said board to designate one rector or warden from each of the churches aforesaid, who shall constitute an executive committee, whose duty it shall be to administer the affairs of said asylum, and a majority of said committee shall be competent to do business.

§ 4. It shall be competent for the president and directors to make such regulations and by-laws, from time to time, not inconsistent with this act, as to them may seem proper and necessary.

§ 5. This act shall take effect from its passage.

The question was then taken on ordering said bill to be read a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Vories and Whitaker, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	William P. Duvall,	A. L. McAfee,
W. H. Chelf,	W. McKee Fox,	Alfred T. Pope,
James F. Clay,	John J. Gatewood,	W. H. Sneed,
F. W. Darby,	Jesse C. Gilbert,	Ben. J. Webb,
J. H. Dorman,	G. A. C. Holt,	Emery Whitaker—15.

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	John W. Johnson,
R A. Burton,	D. R. Haggard,	William Johnson,
Harrison Cockrill,	Thomas F. Hargis,	A. G. Talbott,
Wm. L. Conklin,	Edwin Hawes,	W. L. Vories—13.
John E. Cooper,		

The third reading was then dispensed with.

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	J. H. Dorman,	G. A. C. Holt,
James B. Casey,	W. McKee Fox,	Alfred T. Pope,
W. H. Chelf,	John J. Gatewood,	W. H. Sneed,
F. W. Darby,	Jesse C. Gilbert,	Ben. J. Webb—12.

Those who voted in the negative, were—

John S. Barlow,	William P. Duvall,	William Johnson,
R. A. Burton,	W. W. Frazer,	A L. McAfee,
James F. Clay,	D. R. Haggard,	A. G. Talbott,
Harrison Cockrill,	Thomas F. Hargis,	W. L. Vories,
Wm. L. Conklin,	Edwin Hawes,	Emery Whitaker—17.
John E. Cooper,	John W. Johnson,	

So said bill was disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Whitaker, from the Committee on Courts of Justice—

An act for the benefit of the Lewis county court.

By same—

An act for the benefit of James R. Garland, of Lewis county.

By Mr. Talbott, from the Committee on Railroads—

An act to amend an act, entitled "An act to incorporate the Bowling Green and Madisonville Railroad Company."

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Talbott, from a select committee, to whom had been referred a bill, entitled

A bill to promote the science of anatomy and surgery,

Reported the same without amendment.

After some discussion had thereon,

Ordered, That said bill be recommitted to the committee.

The Senate took up for consideration a bill, entitled

A bill to amend section 77 of the Civil Code of Practice.

Mr. Chelf then moved an amendment to said bill, which was adopted.

Mr. Whitaker then moved to amend the bill as amended.

Pending the consideration of which,

Ordered, That the further consideration of said bill and proposed amendments be postponed until to-morrow.

The Senate also took up for consideration a bill, entitled

A bill to amend an act, entitled "An act to amend the charter of the Clarksville and Princeton Railroad Company," approved March 25, 1872.

On motion of Mr. Darby, said bill was then amended by adding to section three a proviso.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Cooper moved to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Minett Orphan Asylum of the city of Louisville.

Which motion was simply entered.

The Senate also took up for consideration a bill, which originated in the House of Representatives, entitled

An act for the benefit of the Farmers' Bank of Kentucky,

Together with the amendment proposed by the Committee on Banks and Insurance, and that proposed by Mr. Vories.

Ordered, That said bill and proposed amendments be printed, and made the special order of the day for Thursday next, 6th of March.

On motion of Mr. Duvall, a message was sent to the House of Representatives, asking leave to withdraw the announcement of the passage by the Senate of a bill, which originated in the House of Representatives, entitled

An act to incorporate the St. Charles Coal Company.

Mr. Gilbert moved the following resolution, viz:

Resolved, That during the remainder of the present session the report of the Joint Committee on the Revision of the Statutes shall be made the special order of the day at 11 o'clock each day.

Which was adopted.

Mr. Gilbert moved the following resolution, viz:

Resolved, That the Committee on the Judiciary be requested to prepare and bring in a bill requiring all retailers of spirituous and other intoxicating liquors to execute bond, with good and sufficient surety, that such retailer will not, directly or indirectly, give or sell, or cause to be sold or given, to an inebriate or drunken person, any intoxicating liquors, and making such retailer and his sureties liable on his bond for all damages done or occasioned by any person under its influence, and in consequence of any intoxicating liquor sold or given him by such retailer.

Ordered, That said resolution be referred to a select committee, consisting of Messrs. Gilbert, Whitaker, Talbott, Clay, and Haggard.

Mr. Hale read and laid on the table a joint resolution.

Leave was given to bring in the following bills, viz:

On motion of Mr. Pope—

1. A bill for the benefit of Agricultural and Mechanical Associations.

On motion of same—

2. A bill for the benefit of the Grand Central Industrial Exposition.

On motion of Mr. J. W. Johnson—

3. A bill for the benefit of Samuel Worley, of Butler county.

On motion of Mr. Dorman—

4. A bill to incorporate the Owenton and Sparta Telegraph Company.

On motion of Mr. Vories—

5. A bill for the benefit of the Brownsboro and Harrod's Creek and Sand Hill Turnpike Road Company.

On motion of Mr. Campbell—

6. A bill to incorporate the Hecla Coal and Mining Company.

On motion of Mr. Casey—

7. A bill to amend the charter of the city of Covington.

On motion of same—

8. A bill for the benefit of John J. Macklin, late sheriff of Kenton county.

On motion of same—

9. A bill to authorize the making of an abstract book in the county of Kenton.

On motion of Mr. Conklin—

10. A bill for the benefit of common school district No. 55, in Grayson county.

On motion of Mr. McAfee—

11. A bill to change the time of holding the Jessamine county court.

On motion of Mr. Burton—

12. A bill for the benefit of the Marion County Agricultural, Mechanical, and Stock Association.

Ordered, That the Committee on Agriculture and Manufactures prepare and bring in the 1st, 2d, and 12th; the Committee on Propositions and Grievances the 3d; the Committee on Internal Improvement the 4th and 5th; the Committee on Revised Statutes and Codes of Practice the 6th; the Committee on Finance the 8th; the Committee on the Judiciary the 9th; the Committee on Education the 10th; the Committee on Courts of Justice the 11th, and a select committee, consisting of Messrs. Pope, Burton, and Casey, the 7th.

And then the Senate adjourned.

SATURDAY, MARCH 1, 1873.

A message was received from the House of Representatives, announcing their disagreement to the passage of a bill, which originated in the Senate, entitled

An act to authorize railroad companies incorporated by the laws of this Commonwealth to execute, issue, and sell their mortgage bonds, and to secure the payment thereof by executing mortgages upon their property, rights, and franchises.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Citizens' Passenger Railway Company, of Louisville.

An act to incorporate the General Association of Colored Baptists in Kentucky.

An act to incorporate the Central University.

That they had passed bills of the following titles, viz:

1. An act to incorporate the Central Kentucky Coal and Mining Company.

2. An act to amend the charter of the Broadway and Dunkirk Railway Company.

3. An act to amend an act, entitled "An act to tax railroads, turnpikes, and other corporations in aid of the Sinking Fund," approved February 20th, 1864.

4. An act to incorporate Valley Lodge, No. 511, A. Y. M., in Jefferson county.

5. An act to incorporate the St. Patrick's Benevolent Society, of Paris.

6. An act to amend the charter of the Kentucky Masonic Relief Association.

7. An act to incorporate the Benevolent Society of Colored People of Millville, in Woodford county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee

on Agriculture and Manufactures; the 2d to the Committee on Railroads; the 3d to the Committee on Finance, and the 4th, 5th, 6th, and 7th to the Committee on Revised Statutes and Codes of Practice.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to create an additional voting place in Jefferson county.

An act to amend an act, entitled "An act to incorporate the Paint Lick and High Point Turnpike Road Company, in Madison county."

An act to amend an act, entitled "An act to incorporate the Union and Richwood Turnpike Road Company."

An act for the benefit of the Schoolville Branch of the Winchester and Red River Iron Works Turnpike Road Company.

An act to incorporate the Christian Church in the town of Ghent, in Carroll county.

An act authorizing the clerk of the Carter circuit court to procure general cross-index books, and to index and cross-index all the equity and ordinary suits off the docket on file in his office.

An act to protect the interest of the Commonwealth of Kentucky in certain cases.

An act for the benefit of P. H. Morrow, sheriff of Gallatin county.

An act for the benefit of the Iron Works Turnpike Road Company.

An act to amend an act, entitled "An act to regulate the sale and storage of illuminating oils made from coal, petroleum, and other bituminous substances, &c.," approved March 26th, 1870.

An act to amend an act, entitled "An act to incorporate the Marble City Mining and Manufacturing Company."

An act to amend the charter of Adairville.

An act to continue in force an act, entitled "An act for the benefit of the common schools in Newport, Campbell county."

An act to amend an act, entitled "An act to organize and establish a system of public schools in the city of Owensboro for white children in said city."

An act for the benefit of Lewis F. Marshall, sheriff of Ballard county.

An act to prohibit the sale of ardent spirits in Lee county.

An act for the benefit of the Maysville and Lexington Railroad, Northern Division.

An act to incorporate the Decourcey Station, Taylor Road, and Bank Lick Short-line Turnpike Company.

An act to amend the charter of the Jefferson Southern Pond Draining Company.

An act for the benefit of James Brough and Oscar McKenzie, of Morgan county.

An act to prevent the killing of birds in Garrard county.

An act for the benefit of G. W. Taylor, sheriff of Hancock county, and his sureties.

An act to prevent the selling, giving, or furnishing spirituous vinous, or malt liquors in the town of Glasgow on the Sabbath day.

An act to charter the Barren County Bank.

An act to amend the charter of the Glasgow Deposit Bank, approved February 27th, 1869.

An act to amend an act, entitled "An act to amend the charter of the Shelbyville Railroad Company, and to authorize certain counties to take stock in same."

An act for the benefit of the Woodford Cream Cheese Company.

An act to amend an act, entitled "An act to incorporate the Maysville, Flemingsburg Coal and Iron Region Railway Company."

An act to amend an act, entitled "An act to incorporate the town of Marshall, in Bath county."

An act to amend the charter of the Orangeburg and Tollsboro Turnpike Road, in Mason county.

An act for the benefit of the marshal of Mt. Sterling.

An act amending an act approved February 26th, 1872, entitled "An act to amend the Revised Statutes in regard to filling vacancies in the office of sheriff."

An act for the benefit of school district No. 16, in Larue county.

An act to extend the streets and alleys in Marion, in Crittenden county.

An act to amend an act, entitled "An act to incorporate Bell City, in Crittenden county."

An act to amend the charter of the Winchester and Muddy Creek Turnpike Road Company.

An act incorporating the Citizens' Bank of Paris.

An act to incorporate the Mt. Sterling Free Stone Company.

An act to incorporate the National Pipe Contract Company.

An act to incorporate the Slate Ford Coal Company.

An act to amend an act, entitled "An act to incorporate the First German Savings Bank, of Louisville."

Mr. Hargis moved to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to incorporate the same under the name of the Howland Coal and Iron Works.

Which motion was adopted.

Mr. Hargis then moved an amendment as a substitute for said bill.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Webb moved to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act for the benefit of the city of Louisville.

Which motion was adopted.

Mr. Webb then moved an amendment to said bill.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to authorize the transfer of causes pending in the circuit court to the court of common pleas in Ballard county.

By Mr. Talbott, from the Committee on Railroads—

An act to authorize certain counties in this Commonwealth to levy a tax and pay for right of way and depot grounds for Cincinnati Southern Railway.

With sundry amendments to the last named bill.

Ordered, That the last named bill and proposed amendments thereto be printed, and made the special order of the day for Tuesday next, the 4th inst., and that the first be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

1. A bill to amend the charter of the Pulaski Agricultural and Mechanical Association.

By Mr. Frazer, from the Committee on Banks and Insurance—

2. A bill to amend an act, entitled "An act to incorporate Greensburg Deposit Bank," approved March 18th, 1872.

By Mr. Gilbert, from the Committee on Courts of Justice—

3. A bill to change the time of holding the county court of Jessamine county.

By Mr. Cockrill, from the Committee on Finance—

4. A bill directing the Auditor to pay certain guard claims in Powell county.

By Mr. Haggard, from the Committee on Internal Improvement—

5. A bill to incorporate the Owenton and Sparta Telegraph Company.

By Mr. Hargis, from the Committee on the Judiciary—

6. A bill to incorporate the city of Mayfield.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the fourth was recommitted to the Committee on Finance, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wm. Johnson, from the Committee on the Judiciary, to whom was referred the petition of sundry colored citizens of the town of Burksville, praying the passage of an act directing the opening of

An act to amend an act, entitled "An act to incorporate the First German Savings Bank, of Louisville."

Mr. Hargis moved to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to incorporate the same under the name of the Howland Coal and Iron Works.

Which motion was adopted.

Mr. Hargis then moved an amendment as a substitute for said bill.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Webb moved to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act for the benefit of the city of Louisville.

Which motion was adopted.

Mr. Webb then moved an amendment to said bill.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to authorize the transfer of causes pending in the circuit court to the court of common pleas in Ballard county.

By Mr. Talbott, from the Committee on Railroads—

An act to authorize certain counties in this Commonwealth to levy a tax and pay for right of way and depot grounds for Cincinnati Southern Railway.

With sundry amendments to the last named bill.

Ordered, That the last named bill and proposed amendments thereto be printed, and made the special order of the day for Tuesday next, the 4th inst., and that the first be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

1. A bill to amend the charter of the Pulaski Agricultural and Mechanical Association.

By Mr. Frazer, from the Committee on Banks and Insurance—

2. A bill to amend an act, entitled "An act to incorporate Greensburg Deposit Bank," approved March 18th, 1872.

By Mr. Gilbert, from the Committee on Courts of Justice—

3. A bill to change the time of holding the county court of Jessamine county.

By Mr. Cockrill, from the Committee on Finance—

4. A bill directing the Auditor to pay certain guard claims in Powell county.

By Mr. Haggard, from the Committee on Internal Improvement—

5. A bill to incorporate the Owenton and Sparta Telegraph Company.

By Mr. Hargis, from the Committee on the Judiciary—

6. A bill to incorporate the city of Mayfield.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the fourth was recommitted to the Committee on Finance, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wm. Johnson, from the Committee on the Judiciary, to whom was referred the petition of sundry colored citizens of the town of Burksville, praying the passage of an act directing the opening of

certain streets and alleys in said town, asked to be discharged from the further consideration of said petition.

Which was granted.

On motion of Mr. Sneed, leave was given to bring in a bill, entitled

A bill for the benefit of W. E. Clelland, late sheriff of Mercer county.

Ordered, That the Committee on Finance prepare and bring in the same.

Mr. J. W. Johnson moved to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act to authorize the circuit court clerk of Butler county to make a general cross-index.

Which motion was entered only.

A message was received from the House of Representatives, asking that a committee be appointed by the Senate, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to withdraw, unsigned, from the hands of the Governor a bill, which originated in the Senate, and had passed the two Houses, entitled

An act to incorporate the Chataroi Railway Company.

Which was granted.

Whereupon the Speaker appointed Messrs. Vories and Holt said committee.

The Speaker announced that he had appointed Messrs. Gilbert and Sneed as a committee on the part of the Senate, to visit the Fire-proof Public Offices, as instructed by the joint resolution adopted by the two Houses directing the appointment of a joint committee for said purpose.

The Speaker also announced that he had appointed Messrs. Whitaker and Haggard as a committee on the part of the Senate, to visit the State House of Reform and the Feeble-minded Institute, as directed by the joint resolution adopted by the two Houses directing the appointment of a joint committee for said purpose.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz:

An act to amend the city charter of Covington;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz.:

An act for the benefit of Thos. Ballew, of Pulaski county;

An act to increase the salaries of the Superintendent of Public Instruction and his clerk;

An act providing for the collection of the railroad tax in the county of Montgomery;

An act to amend an act, entitled "An act to incorporate the Kentucky and Southern Railway Company;"

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Mr. Pope, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend the law in relation to peddlers,

Reported the same without amendment, and without expression of opinion.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, No person shall be deemed a peddler within the meaning of any law of this Commonwealth because of the selling by him, in any way, of agricultural implements, sewing machines, or portable mills.

§ 2. This act shall take effect and be in force from and after its passage.

Mr. Holt moved to amend said bill by striking out the words "sewing machines."

Mr. Wm. Johnson then moved to amend the amendment proposed by Mr. Holt by inserting the following as a substitute for the original bill and said proposed amendment, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all laws requiring a license to peddle goods, wares, and merchandise in this State be, and the same are hereby, repealed: *Provided, however*, That this act shall not apply to the laws of municipal corporations.

And the question being taken on the adoption of said amendment as a substitute, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	William P. Duvall,	H. S. Hale,
James F. Clay,	W. McKee Fox,	Thomas F. Hargis,
G. W. Connor,	W. W. Frazer,	O. D. McManama—10.
J. H. Dorman,		

Those who voted in the negative, were—

John S. Barlow,	John J. Gatewood,	A. L. McAfee,
E. P. Campbell,	Jesse C. Gilbert,	Alfred T Pope,
W. H. Chelf,	D. R. Haggard,	W. H. Sneed,
Harrison Cockrill,	Edwin Hawes,	A. G. Talbott,
Wm. L. Conklin,	J. B. Haydon,	W. L. Vories,
John E. Cooper,	G. A. C. Holt,	Ben. J. Webb—20.
F. W. Darby,	William Johnson,	

The question was then taken on the adoption of the amendment proposed by Mr. Holt, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Holt and Chelf, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	H. S. Hale,	G. A. C. Holt,
Wm. L. Conklin,	Thomas F. Hargis,	William Johnson,
J. H. Dorman,	Edwin Hawes,	W. L. Vories—10.
William P. Duvall,		

Those who voted in the negative, were—

R. A. Burton,	F. W. Darby,	J. B. Haydon,
E. P. Campbell,	W. McKee Fox,	A. L. McAfee,
W. H. Chelf,	W. W. Frazer,	Alfred T. Pope,
James F. Clay,	John J. Gatewood,	W. H. Sneed,
Harrison Cockrill,	Jesse C. Gilbert,	A. G. Talbott,
G. W. Connor,	D. R. Haggard,	Ben. J. Webb—19.
John E. Cooper,		

Mr. Vories then proposed to amend said bill by striking out section two, and inserting in lieu thereof the following, viz:

Provided, That said bill shall not take effect until the present rate or price of sewing machines be reduced ten per cent.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Vories, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	G. A. C. Holt,
R. A. Burton,	H. S. Hale,	William Johnson,
Wm. L. Conklin,	Thomas F. Hargis,	W. L. Vories—10.
J. H. Dorman,		

Those who voted in the negative, were—

E. P. Campbell,	F. W. Darby,	Edwin Hawes,
W. H. Chelf,	W. McKee Fox,	J. B. Haydon,
James F. Clay,	W. W. Frazer,	Alfred T. Pope,
Harrison Cockrill,	John J. Gatewood,	W. H. Sneed,
G. W. Connor,	Jesse C. Gilbert,	A. G. Talbott,
John E. Cooper,	D. R. Haggard,	Ben. J. Webb—18.

Ordered, That said bill be read a third time.

Mr. Pope then moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the negative (not having received the majority of four fifths, as required by the Constitution).

The yeas and nays being required thereon by Messrs. Hargis and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	W. McKee Fox,	G. A. C. Holt,
W. H. Chelf,	W. W. Frazer,	O. D. McManama,
James F. Clay,	John J. Gatewood,	Alfred T. Pope,
Harrison Cockrill,	Jesse C. Gilbert,	W. H. Sneed,
G. W. Connor,	D. R. Haggard,	A. G. Talbott,
John E. Cooper,	J. B. Haydon,	Ben. J. Webb—19.
F. W. Darby,		

Those who voted in the negative, were—

John S. Barlow,	William P. Duvall,	Edwin Hawes,
R A. Burton,	H. S. Hale,	William Johnson,
Wm. L. Conklin,	Thomas F. Hargis,	W. L. Vories—10.
J. H. Dorman,		

Mr. Cooper then moved that said bill have its third reading on Monday next at half-past ten o'clock, A. M.

Mr. Wm. Johnson moved that said bill have its third reading on the 10th day of March, 1873.

Mr. Hargis moved that said bill have its third reading the 12th of March, 1873.

Pending the consideration of said motions, Mr. Pope moved that the Senate do now adjourn.

Which motion was adopted.

MONDAY, MARCH 3, 1873.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the city of Louisville.

An act to incorporate the Winchester Savings Bank.

That they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act to repeal an act, entitled "An act for the benefit of the police judge of the town of Hawesville," approved February 10th, 1871.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of T. A. Leper, jailer of Livingston county.

An act for the benefit of Mary Ann Pecantet's heirs, of Graves county.

An act to change the boundary line of the city of Columbus.

An act for the benefit of school district No. 19, in Kenton county.

An act to amend an act, entitled "An act to incorporate the Second Presbyterian Church of the city of Louisville."

An act to incorporate the River Transportation Company.

An act to authorize the Pike county court to issue bonds for court-house and other purposes.

An act for the benefit of A. C. Bowman, late sheriff of Breathitt county, and his sureties.

An act to amend an act, entitled "An act to amend the charter of the Bank of Ashland, and incorporate the Bank of Shelbyville," approved February 24th, 1869.

An act for the benefit of T. P. Cardwell, of Breathitt county.

An act for the benefit of the Lagrange and Shelbyville Turnpike Road Company.

An act to empower the Grayson county court to levy an additional tax to build a new jail.

An act to amend an act, entitled "An act to incorporate the Louisville Rolling Mill Company," approved February 28, 1850.

An act to provide for a March term of the Jessamine quarterly court.

That they had passed bills of the following titles, viz:

1. An act to protect fish in Sulphur Fork, on the line between Simpson and Allen counties.

2. An act for the benefit of A. Portwood, sheriff of Anderson county.

3. An act to prevent the destruction of fish in Salt river, in Anderson county.

4. An act to extend the corporate limits of Lovelaceville, in Ballard county.

5. An act to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Blandville, in Ballard county."

6. An act for the benefit of S. S. Farris, sheriff of Barren county.

7. An act to organize Urania school district, in Barren county.

8. An act to change the time of holding quarterly courts in Menifee county.

9. An act to incorporate the Rodger's Mill and Hinkston Bridge Turnpike Road Company.

10. An act to amend an act, entitled "An act to amend the charter of the city of Augusta, in Bracken county."

11. An act to protect birds and game in Bullitt county.

12. An act empowering the Spencer county court to sell the old circuit and county court clerk's offices in said county.

13. An act to authorize the Butler county court to establish a ferry on Green river, near Morgantown, at or near Morrison's old ferry.

14. An act to amend an act, entitled "An act to provide for the improvement of the roads of Butler county," approved February 2d, 1872.

15. An act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county.

16. An act for the benefit of Charles E. Curd, of Calloway county.

17. An act to increase the county levy of Boyle county.

18. An act for the benefit of Cold Spring school district, in Campbell county.

19. An act to incorporate the Twelve Mile and California Turnpike Road, in Campbell county.

20. An act to incorporate the Dayton and Bellview Gas-light Company, in Campbell county.

21. An act to amend an act, entitled "An act to amend the charter of the city of Dayton," approved —, 1873.

22. An act for the benefit of the Middleburg and Liberty Turnpike Road Company.

23. An act declaring Wolf river a navigable stream.

24. An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county.

25. An act to incorporate the Owensboro Masonic Mutual Relief Association.

26. An act to incorporate the Masonic Temple Company, of Owensboro.

27. An act to define the line between the counties of Clay and Jackson.

28. An act for the benefit of Wilson Morgan, late sheriff of Clay county.

29. An act to continue in force an act, entitled "An act for the benefit of A. W. Nickell, late sheriff of Johnson county, and his securities," approved February 3d, 1871.

30. An act to declare Middle creek and Bull creek, in Floyd county, navigable streams.

31. An act to amend an act, entitled "An act to amend an act to authorize the Shelby county court to issue bonds for the benefit of turnpike roads."

32. An act for the benefit of Merrill Hardin, of Garrard county.

33. An act for the benefit of Pauline J. Chaney, an idiot of Graves county.

34. An act to incorporate the Greenup Exchange Bank.

35. An act to repeal an act, entitled "An act to prohibit the sale of intoxicating liquors at the Falls of Rough, in Grayson county, or within five miles thereof."

36. An act for the benefit of the heirs of Horace Welford, deceased, of Virginia.

37. An act concerning the public roads in Hardin county.

38. An act to charter the Elizabethtown and Middle Creek Turnpike Road Company.

39. An act for the benefit of C. L. Howard, late sheriff of Hardin county.

40. An act to create and regulate the office of county treasurer for the counties of Perry and Harlan.

41. An act to allow the State agent at the Rio bridge, in Hart county, to make necessary improvements, not exceeding one hundred dollars in value.

42. An act for the benefit of John E. Abbott, administrator of D. C. Doran, late sheriff of Hart county.

43. An act to amend an act, entitled "An act to organize and establish a system of public schools in the city of Henderson."

44. An act to transfer the equity causes from the Hickman circuit court to the Hickman court of common pleas.

45. An act for the benefit of John M. Hunley, committee of Henry Yarbro, an idiot.

46. An act to incorporate the Bank of Madisonville.

47. An act to incorporate the town of Hanson, in Hopkins county.

48. An act for the benefit of Samuel Jones, committee of Wm. Jones, an idiot of Clinton county.

49. An act for the benefit of Nelson Bridges, of Kenton county.

50. An act defining the boundary line between the counties of Harlan and Bell.

51. An act to prevent the destruction of fish in Cumberland river and its tributaries, above the falls of said river.

52. An act for the benefit of George Clay, an idiot of Lawrence county.

53. An act for the benefit of Joseph T. Ratliffe, sheriff of Pike county, for the year 1871.

54. An act to amend an act to prohibit the sale of spirituous and intoxicating liquors in Rockcastle county, approved March 1st, 1870.

55. An act to authorize the sale and conveyance of the seminary property situated in the town of Mount Vernon, in Rockcastle county, and appropriate the proceeds arising therefrom to common school purposes for said county.

56. An act for the benefit of the assessor of Livingston county.

57. An act to incorporate the Logan County Bank.

58. An act to incorporate the Russellville Banking and Warehouse Company.

59. An act to provide for the redistricting the school districts of the county of Madison.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 3d, 11th, 13th,

23d, 27th, 29th, 30th, 5th, and 51st to the Committee on Propositions and Grievances; the 2d, 6th, 28th, 32d, 33d, 36th, 39th, 42d, and 53d to the Committee on Finance; the 4th, 5th, 8th, 12th, 16th, 17th, 40th, 44th, and 56th to the Committee on Courts of Justice; the 7th, 18th, 43d, 55th, and 59th to the Committee on Education; the 9th, 14th, 19th, 22d, 37th, 38th, and 41st to the Committee on Internal Improvement; the 10th to the Committee on Revised Statutes and Codes of Practice; the 15th, 24th, 35th, and 54th to the Committee on Religion and Morals; the 20th to the Committee on Agriculture and Manufactures; the 21st, 31st, 47th, and 49th to the Committee on the Judiciary; the 25th and 26th to the Committee on Charitable Institutions; the 34th, 46th, 57th, and 58th to the Committee on Banks and Insurance, and the 45th, 48th, and 52d to the Committee on Claims.

A message was also received from the House of Representatives, announcing that they had adopted a resolution, entitled

Resolution directing an inquiry into the condition and management of the Kentucky River Navigation Company.

Ordered, That said resolution be referred to the Committee on Internal Improvement.

Mr. Connor presented the remonstrance of sundry citizens of the Commonwealth of Kentucky, remonstrating against the passage of any amendment to the charter of the Licking River Lumber and Mining Company.

Which was received, the reading dispensed with, and referred to the Committee on the Judiciary.

Mr. Cooper moved the following resolution, viz:

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved, That on and after Tuesday next the Senate shall meet at the hour of nine o'clock, A. M., on each day, and at the hour of eleven o'clock, A. M., the Senate shall take up and consider the report of the Committee on the Revision of the Statutes, and the consideration of the same shall not be suspended for the purpose of considering other business, unless two thirds of all the Senators voting concur therein.

The question was then taken on the adoption of said resolution, and it was decided in the affirmative.

The Senate resumed the unfinished report of the report of March 1st, from the Committee on the Judiciary, it being a bill, which originated in the House of Representatives, entitled

An act to further amend the laws in relation to peddlers,

Together with the propositions made by Messrs. Hargis and Wm. Johnson as to the time when said bill should be read a third time, it having been ordered to be read a third time on Saturday last.

The propositions made by Messrs. Hargis and Wm. Johnson were then withdrawn.

Said bill was then read a third time.

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hawes and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	John E. Cooper,	J. B. Haydon,
W. H. Chelf,	W. W. Frazer,	W. H. Sneed,
James F. Clay,	John J. Gatewood,	A. G. Talbott,
Harrison Cockrill,	Jesse C. Gilbert,	Ben. J. Webb—13.
G W. Connor,		

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	G. A. C. Holt,
R. A. Burton,	Thomas F. Hargis,	John W. Johnson,
Wm. L. Conklin,	Edwin Hawes,	Wm. Johnson—9.

Resolved, That the title of said bill be as aforesaid.

The Speaker laid before the Senate the response of the Auditor to a resolution calling on him for certain information in regard to the Agents of the Auditor, which reads as follows, viz:

OFFICE AUDITOR PUBLIC ACCOUNTS,
FRANKFORT, KY., March 3, 1873.

To the Honorable General Assembly of the Commonwealth of Kentucky:

I have the honor to submit this, my response, to a joint resolution adopted by your honorable body, calling on me for a list of "Auditor's Agents," "a list of each claim reported or prosecuted since January 1st, 1872, up to date of said joint resolution, under what law said claim is reported, what claims have been paid into the Treasury, amounts paid to agents, list of suits pending," &c., &c.

The annexed tabular statement exhibits fully and clearly, I think, every fact called for in said resolution. From this statement it will be seen that the amount collected and paid into the Treasury, from the 1st day of January, 1872, to the 27th day of February, 1873, under the act of February 28, 1862, and the several amendments thereto, and by the authority and direction of the several "Auditor's Agents" in this Commonwealth, is $43,757 50, and the amount pending in suit and otherwise,

and not yet adjusted, for the same period, is $91,883 33—making a total of paid and unpaid claims for the period stated of $135,641 33.

The amount of commissions paid to said Agents for hunting up, preparing, prosecuting, and reporting said claims, is $10,677 15—being the compensation fixed by law for Agents' services.

This amount may seem to be large for the services of Agents; but when it is recollected that the State is at no expense whatever in the prosecution of this character of claims; that all costs and expenses of every kind have to be paid by Agents where they fail to make the amount claimed for the State, and that they are only allowed commissions on the net amount actually paid into the Treasury, I think I may prudently and safely say, that the compensation paid is very reasonable.

The whole amount collected and paid into the Treasury, through the instrumentality of Agents, *since the passage of the act of February* 28, 1862, *to January* 1, 1872, *was* $204,434 80; and the commissions paid on that amount for the same period was $47,405 62. Considering the fact that this large sum of money was collected from persons and corporations who had been overlooked by assessors, sheriffs, and other revenue agents, and which would doubtless have been lost to the State but for the intervention of special agents created to hunt up and dig out just such cases as those reported, I think I may congratulate you on the amount actually realized to the State, though the amount of commissions paid may look large.

I trust that it will not be considered out of place for me to state, in concluding this response, that, in my judgment, the act of February 28, 1862, creating the office of Auditor's Agent, is one of the most important revenue laws on our statute books, and ought by all means to be continued. It covers a character of cases that cannot be reached by any other officer. It in nowise interferes with assessors, sheriffs, clerks, or the Auditor, in the exercise of their respective duties. On the contrary, it covers a character of cases, as before stated, which cannot be well reached in any other way, and involves a large sum of money to the State each year. The act expired by limitation on the 3d inst., and I therefore respectfully recommend its renewal.

Very respectfully,

Your obedient servant,

D. HOWARD SMITH, *Auditor.*

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I, *Auditor.*

A STATEMENT *showing the various claims, with the amount of each, reported to this Department since the* 1st *of January,* 1872, *by Agents of the Auditor, appointed under the act of* 28th *February,* 1862, *and amendments thereto, together with the names of Agents reporting same; to which is appended a list of Agents appointed by the Auditor under said act up to the present time.*

Date.	Cases reported by Agents from 1st January, 1872, to 27th February, 1873.	Amounts paid into the Treasury.	Names of Agents collecting.
1872.			
Febrnary 29	Interest, part amount collected of A. H. Ditto, sheriff Henry county, taxes 1867-'68-'69, under act 28th February, 1862 (section 3)	$280 65	William Montfort.
February 20	Deposit Bank of Midway in surplus of 1872, under act 17th February, 1858	5 50	Reported by S. K. Smith.
March 7	City of Frankfort, tax on licenses for 1871, under city charter	220 00	Reported by S. K. Smith.
March 7	City of Frankfort, tax 1871, under act 4th March 1867	363 60	Reported by S. K. Smith.
April 16	Louisville Chemical Works, tax 1870 and 1871, under act 4th March, 1867	127 70	Reported by S. K. Smith.
April 22	Louisville Steel Works, tax 1871, under act 4th March, 1867	36 00	Reported by S. K. Smith.
June 25	John C. Loran, clerk city of Louisville, taxes on seals from 5th September, 1870, to 31st December, 1871	16 15	Reported by S. K. Smith.
June 26	A. T. Pope, for taxes of sundry persons who failed to list their property, in Jefferson county, under the general revenue laws	129 50	Reported by A. T. Pope.
June 13	Allen Jones, under the general revenue laws	570 50	Reported by A. T. Pope.
June 4	Henry Gilbert, under the general revenue laws, taxes 1869-'70-'71	368 30	Reported by A. T. Pope.
May 28	Louisville Real Estate Company, under the general revenue laws, taxes 1871	54 00	Reported by A. T. Pope.
May 28	H. Brent Cooke, under the general revenue laws, taxes 1861 to 1870, inclusive,	73 50	Reported by A. T. Pope.
May 17	A. T. Hopkins, under the general revenue laws, taxes 1871	73 50	Reported by A. T. Pope.
May 17	W. Allen Richardson, under the general revenue laws	498 80	Reported by A. T. Pope.
May 17	W. Roth, under the general revenue laws, taxes 1871	4 50	Reported by A. T. Pope.
May 17	Henry Bernhart, under the general revenue laws, taxes 1871	7 00	Reported by A. T. Pope.
May 3	Geo. T. Edwards, under the general revenue laws, taxes 1870 and 1871	35 43	Reported by A. T. Pope.
May 3	Mrs. Susan M. Clay, under the general revenue laws, taxes 1867	75 00	Reported by A. T. Pope.
May 3	W. H. Troxell, under the general revenue laws, taxes 1871	9 40	Reported by A. T. Pope.
April 29	T. D. Elliott, under the general revenue laws, taxes 1862 to 1866, inclusive	415 50	Reported by A. T. Pope.
April 29	James Kuher, under the general revenue laws, taxes 1870 and 1871	9 00	Reported by A. T. Pope.
April 27	A. T. Pope (sundry persons), under the general revenue laws	114 57	Reported by A. T. Pope.
April 25	J. T. Burghard, under the general revenue laws	121 12	Reported by A. T. Pope.
April 25	James F. Irvine, under the general revenue laws	1,054 80	Reported by A. T. Pope.
April 20	Timmons Kennedy, under the general revenue laws	138 00	Reported by A. T. Pope.
April 20	W. F. Coldeway, under the general revenue laws	47 00	Reported by A. T. Pope.

A STATEMENT—Continued.

Date.	Cases reported by Agents from 1st January, 1872, to 27th February, 1873.	Amounts paid into the Treasury.	Names of Agents collecting.
1872.			
April 17	Thomas Stevens, under the general revenue laws, taxes 1862 to 1869, inclusive	$56 90	Reported by A. T. Pope.
April 15	R. Ten Brock, under the general revenue laws, taxes 1871	248 29	Reported by A. T. Pope.
April 12	A. T. Pope (sundry persons), under the general revenue laws	624 74	Reported by A. T. Pope.
June 24	Midway and Versailles Turnpike Road, taxes under act 20th February, 1864	76 50	Reported by John L. Sneed.
July 5	Oakland Plank Road Company, taxes under act 20th February, 1864	262 80	Reported by John L. Sneed.
June 17	Burlington and Florence Turnpike Road, taxes under act 20th February, 1864	64 26	Reported by John L. Sneed.
July 5	Lexington and Georgetown Turnpike Road, taxes under act 20th February, 1864	185 22	Reported by John L. Sneed.
June 1	Frankfort, Lexington, and Versailles Turnpike Road, taxes under act 20th February, 1864	78 65	Reported by John L. Sneed.
July 25	Sheriff Jefferson county, tax on income U. S. bonds, omitted in Assessor's book 1871	151 50	Reported by John L. Sneed.
July 25	Sheriff Jefferson county, tax on additional assessments made by him for 1871, and collected	1,016 32	Reported by John L. Sneed.
July 22	St. Bernard Coal Company, under act 4th March, 1867	165 35	Reported by S. K. Smith.
July 22	Louisville Transfer Company, taxes 1871 and 1872, under act 4th March, 1867	233 10	Reported by S. K. Smith.
July 23	Bank of Union County, tax on surplus, under act 17th February, 1858	59 50	Reported by S. K. Smith.
July 23	Louisville Tobacco Manufacturing Company, taxes 1871 and 1872, under act 4th March, 1867	189 11	Reported by S. K. Smith.
August 3	Ohio River Telegraph Company, taxes 1871 and 1872, under acts 4th March, 1867, and 29th February, 1868	115 00	Reported by S. K. Smith.
August 12	Beargrass Transportation Company, taxes 1871 and 1872, under act 4th March, 1867	76 60	Reported by S. K. Smith.
August 26	Indian Creek and Scott's Station Turnpike Road, taxes under act 20th February, 1864	4 26	Reported by S. K. Smith.
August 26	Louisville Rolling Mill Company, taxes under act 4th March, 1867	882 38	Reported by S. K. Smith.
August 26	Paducah and Gulf Railroad Company, taxes under act 20th February, 1864	5,520 00	Reported by S. K. Smith.
August 29	City of Owensboro, wharf property, taxes 1867 and 1872, inclusive, under act 4th March, 1867	138 00	Reported by S. K. Smith.
August 12	Louisville and Shelbyville Turnpike Road, taxes under act 20th February, 1864	900 00	Reported by John L. Sneed.

August 26	ruary, 1864	4 26	Reported by S. K. Smith.
August 26	Louisville Rolling Mill Company, taxes under act 4th March, 1867	882 38	Reported by S. K. Smith.
August 26	Paducah and Gulf Railroad Company, taxes under act 20th February, 1864	5,520 00	Reported by S. K. Smith.
August 29	City of Owensboro, wharf property, taxes 1867 and 1872, inclusive, under act 4th March, 1867	138 00	Reported by S. K. Smith.

August 12	Louisville and Shelbyville Turnpike Road, taxes under act 20th February, 1864	900 00	Reported by John L. Sneed.
August 2	Tate's Creek Turnpike Road, taxes under act 20th February, 1864	218 75	Reported by John L. Sneed.
August 26	Board Internal Improvement Mercer county, taxes under act 20th February, 1864	284 75	Reported by John L. Sneed.
September 20	Nelson County Fair Association, taxes under act 4th March, 1867	58 50	Reported by S. K. Smith.
September 20	Bloomfield and Fairfield Turnpike Road, taxes under act 20th February, 1864,	61 50	Reported by S. K. Smith.
September 20	St. Louis and Iron Mountain Railroad, taxes under act 20th February, 1864	180 00	Reported by S. K. Smith.
September 20	City of Owensboro wharf property, taxes under act 4th March, 1867	10 50	Reported by S. K. Smith.
August 13	Cynthiana and Leesburg Turnpike Road, taxes under act 20th February, 1864,	24 10	Reported by S. K. Smith.
August 5	Danville and Hustonville Turnpike Road, taxes under act 20th February, 1864	190 08	Reported by S. K. Smith.
July 18	A. T. Pope, for taxes of sundry persons who failed to list their property, in Jefferson county, under the general revenue laws	1,872 59	Reported by A. T. Pope.
July 26	A. T. Pope, taxes of sundry persons under the general revenue laws	99 62	Reported by A. T. Pope.
August 12	A. T. Pope, taxes of sundry persons under the general revenue laws	103 75	Reported by A. T. Pope.
August 27	W. O. Williams under the general revenue laws, taxes 1872	8 72	Reported by A. T. Pope.
September 2	A. T. Pope, taxes of sundry persons under the general revenue laws	309 00	Reported by A. T. Pope.
September 2	T. L. Jefferson & Bro., under the general revenue laws, taxes 1872	135 00	Reported by A. T. Pope.
September 2	A. Duberry, under the general revenue laws, taxes 1872	117 45	Reported by A. T. Pope.
September 2	A. T. Pope, taxes of sundry persons under the general revenue laws	165 05	Reported by A. T. Pope.
October 10	James Wright, under the general revenue laws, taxes 1864 to 1872, inclusive	66 00	Reported by S. K. Smith.
July 2	Georgetown and Paris Turnpike Road, taxes under act 20th February, 1864	61 05	Reported by S. K. Smith.
July 26	Georgetown and South Elkhorn Turnpike Road, taxes under act 20th February, 1864	84 15	Reported by S. K. Smith.
October 1	Kentucky Rolling Mill Company, taxes under act 4th March, 1867	398 69	Reported by S. K. Smith.
October 1	Winchester and Kentucky River Turnpike Road, taxes under act 20th February, 1864	240 29	Reported by S. K. Smith.
October 1	Louisville Chemical Works, taxes under act 4th March, 1867	72 69	Reported by S. K. Smith.
October 18	Louisville Agricultural Works, taxes under act 4th March, 1867	198 90	Reported by S. K. Smith.
October 23	A. T. Pope, for taxes of sundry persons who failed to list their property, in Jefferson county, under the general revenue laws	246 15	Reported by A. T. Pope.
November 19	Taxes of sundry persons who failed to list their property, in Henry county, for sundry years, and collected by sheriff	1,405 53	Reported by W. Montfort.
October 22	Newport and Alexandria Turnpike Road, taxes under act 20th February, 1864,	875 76	Reported by S. K. Smith.
October 22	Carroll County Fair Association, taxes under act 4th March, 1867	20 25	Reported by S. K. Smith.
October 23	Amount collected by sheriff Hopkins county, and not reported for 1869, on sundry list	81 53	Reported by S. K. Smith.
November 7	Paris and Winchester Turnpike Road, taxes under act 20th February, 1864	199 55	Reported by S. K. Smith.
November 19	Robt. Murphy, taxes from 24th September, 1870, to 14th August, 1871	204 95	Reported by S. K. Smith.

A STATEMENT—Continued.

Date.	Cases reported by Agents from 1st January, 1872, to 27th February, 1873.	Amounts paid into the Treasury.	Names of Agents collecting.
1872.			
November 6	Craig's estate, for taxes on property failed to be listed, in Jefferson county, under the general revenue laws	$567 94	Reported by A. T. Pope.
October 29	A. A. Gordon failed to be listed for years 1866 to 1872, inclusive, under general revenue laws, Jefferson county	163 26	Reported by S. K. Smith.
October 31	J. J. Harbison, under general revenue laws, taxes 1869 to 1872, inclusive	91 65	Reported by S. K. Smith.
November 7	S. K. Smith, under general revenue laws, taxes of sundry persons	725 90	Reported by S. K. Smith.
November 13	S. K. Smith, under general revenue laws, taxes of sundry persons	230 20	Reported by S. K. Smith.
November 23	Biggs, Patterson & Co., under the general revenue laws, taxes 1870 and 1871,	92 38	Reported by S. K. Smith.
November 23	Mrs. Ann E. Bell, under the general revenue laws, taxes 1869 to 1872, inclusive	215 83	Reported by S. K. Smith.
December 4	S. K. Smith, under the general revenue laws, taxes of sundry persons	823 32	Reported by S. K. Smith.
December 10	E. B. Smith, Trustee, under the general revenue laws, taxes 1867 and 1872, inclusive	624 09	[ed $83 34. Refund- Reported by S. K. Smith.
December 26	R. P. Lightberne, under the general revenue laws, taxes 1872	9 00	Reported by S. K. Smith.
December 26	John Bitzee, under the general revenue laws, taxes 1869 and 1872, inclusive	72 00	Reported by S. K. Smith.
December 26	Miss Fannie Blankenbaker, under the general revenue laws, taxes 1871 and 1872, inclusive	108 00	Reported by S. K. Smith.
December 26	John Bartnum, under the general revenue laws, taxes 1868 to 1872, inclusive,	43 15	Reported by S. K. Smith.
December 26	J. L. Heming, under the general revenue laws, taxes 1871 and 1872	69 80	Reported by S. K. Smith.
December 26	Peter Leber, under the general revenue laws, taxes 1871 and 1872	31 50	Reported by S. K. Smith.
December 26	C. W. Kelley, under the general revenue laws, taxes 1872	13 50	Reported by S. K. Smith.
December 26	E. D. Briscoe, under the general revenue laws, taxes 1872	18 00	Reported by S. K. Smith.
1873.			
January 9	Catharine Flynn failed to list property for years 1868 to 1872, inclusive, in Jefferson county, under the general revenue laws	99 80	Reported by S. K. Smith.
January 9	E. Halbert, under the general revenue laws, taxes 1871 and 1872	11 05	Reported by S. K. Smith.
January 9	Geo. Metz, under the general revenue laws, taxes 1867 to 1871, inclusive	33 55	Reported by S. K. Smith.
January 9	J. Westcamp, under the general revenue laws, taxes 1866 to 1871, inclusive	14 00	Reported by S. K. Smith.
January 9	Thos. C. Jenkins, under the general revenue laws, taxes 1871 and 1872	33 48	Reported by S. K. Smith.
January 9	H. Wirth, under the general revenue laws, taxes 1866 to 1871, inclusive	10 50	Reported by S. K. Smith.
January 9	M. E. Jenkins, under the general revenue laws, taxes 1871 and 1872	17 00	Reported by S. K. Smith.
January 9	W. C. Smith, under the general revenue laws, taxes 1868 to 1872, inclusive	48 00	Reported by S. K. Smith.
January 11	G. Bowman, under the general revenue laws, taxes 1871 and 1872	50 40	Reported by S. K. Smith.
January 11	J. B. Hun, under the general revenue laws, taxes 1871 and 1872	82 35	Reported by S. K. Smith.

January 9	Thos. C. Jenkins, under the general revenue laws, taxes 1871 and 1872	33 48	Reported by S. K. Smith.
January 9	H. Wirth, under the general revenue laws, taxes 1866 to 1871, inclusive	10 50	Reported by S. K. Smith.
January 9	M. E. Jenkins, under the general revenue laws, taxes 1871 and 1872	17 00	Reported by S. K. Smith.
January 9	W. C. Smith, under the general revenue laws, taxes 1868 to 1872, inclusive	48 00	Reported by S. K. Smith.
January 11	G. Bowman, under the general revenue laws, taxes 1871 and 1872	50 40	Reported by S. K. Smith.

January 11	J. B. Hun, under the general revenue laws, taxes 1871 and 1872	82 35	Reported by S. K. Smith.
January 11	P. Madden, under the general revenue laws, taxes 1866 to 1872, inclusive	115 00	Reported by S. K. Smith.
January 11	John Briner, under the general revenue laws, taxes 1866 to 1872, inclusive	15 75	Reported by S. K. Smith.
January 11	L. Flinchback, under the general revenue laws, taxes 1867 to 1872, inclusive	239 70	Reported by S. K. Smith.
January 11	F. Bennett, under the general revenue laws, taxes 1869 to 1872, inclusive	19 80	Reported by S. K. Smith.
January 17	A. Flittner, under the general revenue laws, taxes 1870 to 1872, inclusive	6 75	Reported by S. K. Smith.
January 17	A. Heidt, under the general revenue laws, taxes 1870 and 1871	5 40	Reported by S. K. Smith.
January 17	Leander Reed, under the general revenue laws, taxes 1866 to 1872, inclusive	156 90	Reported by S. K. Smith.
January 17	J. Bollinger, under the general revenue laws, taxes 1869 to 1872, inclusive	11 85	Reported by S. K. Smith.
January 17	Sue Gunter, under the general revenue laws, taxes 1867-'69-'70-'71, and 1872, inclusive	35 25	Reported by S. K. Smith.
January 17	F. Maar, under the general revenue laws, taxes 1869 to 1871, inclusive	18 25	Reported by S. K. Smith.
January 17	A. A. Gordon, under the general revenue laws, taxes 1869 to 1872, inclusive	495 00	Reported by S. K. Smith.
January 17	Mrs. A. E. Bell, under the general revenue laws, taxes 1869 to 1872, inclusive,	330 00	Reported by S. K. Smith.
January 17	R. Peters, under the general revenue laws, taxes 1868 to 1872, inclusive	219 50	Reported by S. K. Smith.
January 17	C. Spils, under the general revenue laws, taxes 1869 to 1871, inclusive	12 00	Reported by S. K. Smith.
January 17	F. Forsch, under the general revenue laws, taxes 1869 to 1872, inclusive	19 80	Reported by S. K. Smith.
January 17	F. Helge, under the general revenue laws, taxes 1869 to 1872, inclusive	14 85	Reported by S. K. Smith.
January 17	D. Horsell, under the general revenue laws, taxes 1869 to 1872, inclusive	49 50	Reported by S. K. Smith.
January 17	Phil. Hasennarder, under the general revenue laws, taxes 1870 to 1872, inclusive	21 60	Reported by S. K. Smith.
January 17	B. Boro, under the general revenue laws, taxes 1869 to 1872, inclusive	326 00	Reported by S. K. Smith.
January 17	E. Dietzman, under the general revenue laws, taxes 1870 and 1871	13 86	Reported by S. K. Smith.
January 17	Wm. Cockle, under the general revenue laws, taxes 1869 to 1872, inclusive	17 00	Reported by S. K. Smith.
1872.			
November 6	Geo. Birch, under the general revenue laws, taxes	50 60	Reported by B. F. Camp.
November 7	Martha Verhoff, under the general revenue laws, taxes	82 00	Reported by B. F. Camp.
November 25	Jno. Deiskin's adm'r, under the general revenue laws, taxes 1870 to 1872, inclusive	74 25	Reported by B. F. Camp.
December 6	J. H. Ryan & Co., under the general revenue laws, taxes 1870 to 1872, inclusive	81 60	Reported by B. F. Camp.
December 30	John H. Steople, under the general revenue laws, taxes 1868 to 1872, inclusive	36 55	Reported by B. F. Camp.
December 30	W. O. Harris, Attorney, under the general revenue laws, taxes 1867 to 1869, inclusive	450 00	Reported by B. F. Camp.
December 30	Kelliam Long, under the general revenue laws, taxes 1868 to 1872, inclusive	33 15	Reported by B. F. Camp.
1873.			
January 28	Harberson & Gathright, under the general revenue laws, taxes 1872	180 00	Reported by B. F. Camp.
January 28	Mrs. Ellen McBurnie, executor, under the general revenue laws, taxes 1859 to 1872, inclusive	150 00	Reported by B. F. Camp.

A STATEMENT—Continued.

Date.	Cases reported by Agents from 1st January, 1872, to 27th February, 1873.	Amounts paid into the Treasury.	Names of Agents collecting.
1873.			
January 28	Zavier Schunppellee, jr., under the general revenue laws, taxes 1870 to 1872, inclusive	$15 50	Reported by B. F. Camp.
1872.			
August 12	Newport and Cincinnati Bridge Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
August 29	Newport and Dayton Street Railroad Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
August 29	Louisville Railway Transfer Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
August 30	Paris Gas Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
September 11	Gaylord Iron Pipe Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
October 1	Citizens' Passenger Railway Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
October 18	Louisville and Jeffersonville Ferry Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
November 7	Louisville Car Wheel and Supply Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
November 19	Woodford Cheese Company, under act 4th March, 1867, taxes 1871 and 1872	22 50	Reported by S. K. Smith.
November 14	Sheriff Bourbon county, taxes collected and not reported for 1872	3,625 25	Reported by John L. Sneed
December 5	Frankfort Bridge Company, taxes 1870 to 1872, inclusive, under act 4th March, 1867	76 50	Reported by S. K. Smith.
December 20	Cottage Furnace Iron Mining and Manufacturing Company, tax under act 4th March, 1865	100 09	Reported by John L. Sneed.
December 20	City of Henderson, taxes 1870-'71-'72, under act 4th March, 1867	445 50	Reported by A. T. Dudley.
1873.			
January 7	City of Frankfort, taxes under act 4th March, 1867	363 60	Reported by S. K. Smith.
January 27	Bardstown and Louisville Turnpike Road, under act 20th February, 1864	82 98	Reported by J. C. Wickliffe.
January 28	Licking River Lumber and Mining Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
February 20	Green and Barren River Navigation Company, taxes from 1869 to 1872, inclusive	524 94	Reported by S. K. Smith.
1872.			
June 14	Hackett Manufacturing Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
June 17	Hemingray Glass Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
June 19	Render Coal Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
June 19	Louisville Agricultural Works, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
June 25	Louisville Transfer Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
June 25	Rolling Mill Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
June 27	Kenton Furnace Railroad and Manufacturing Company, tax under act 4th	100 00	Reported by John L. Sneed.

June 19	Louisville Agricultural Works, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
June 25	Louisville Transfer Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
June 25	Rolling Mill Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.

June 27	Kenton Furnace Railroad and Manufacturing Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
June 28	Raccoon Mining and Manufacturing Company, tax under act 4th March, 1865,	100 00	Reported by John L. Sneed.
July 1	Manufacturing and Financial Company, now Manufacturers' Bank	100 00	Reported by John L. Sneed.
July 5	American White Lead Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
July 11	Madisonville and Shawneetown Straight-line Railroad Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
July 20	Swift's Iron and Steel Works, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
July 23	Commercial Bank of Kentucky, tax 1864 to 1871 (on account), under act 17th February, 1860	2,832 09	Reported by S. K. Smith.
July 23	White Stone Quarry Company, tax under act 4th March, 1865	100 00	Reported by S. K. Smith.
July 23	United States Mail Line Company, tax under act 4th March, 1865	100 00	Reported by S. K. Smith.
July 29	T. Jack Conn's sureties, Jefferson county, on judgment for taxes	802 80	Reported by Thomas P. Haydon.
July 29	Elizabethtown and Paducah Railroad, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
July 29	Louisville Edge Tool Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
July 29	Louisville Steam Power Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
July 30	Deposit Bank of Frankfort, tax on surplus, 1869 to 1872, inclusive, under act 17th February, 1858	59 74	Reported by S. K. Smith.
July 30	Louisville Steel Works, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
July 31	Green and Barren River Navigation, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
July 31	Paducah and Gulf Railroad Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
August 1	Lexington and Carter County Mining Company, tax under act 4th March, 1865	100 00	Reported by S. K. Smith.
August 6	Evansville, Henderson, and Nashville Railroad, tax under act 4th March, 1865	100 00	Reported by S. K. Smith.
August 6	Boone Mining and Manufacturing Company, tax under act 4th March, 1865	100 00	Reported by John L. Sneed.
August 12	Deposit Bank of Owensboro, tax on surplus, under act 17th February, 1858	47 06	Reported by S. K. Smith.
November 1	Deposit Bank of Eminence, balance of tax due 1st July, 1869, under the general revenue laws	85 73	Reported by S. K. Smith.
May 24	Bank of Kentucky, taxes on net surplus, 1859 to 1871, inclusive, under act 15th February, 1858, extending charter	31,471 14	Reported by S. K. Smith. Suit [pending in Franklin Circuit Court
January 15	Louisville, Cincinnati, and Lexington Railroad, taxes on valuation of $20,000 per mile, under act 20th February, 1864, 1869 to 1871, inclusive	19,200 00	Reported by S. K. Smith. Suit [pending in Franklin Circuit Court
May 3	Falls City Tobacco Bank, taxes on net surplus, 1866 to 1872, inclusive, under act 17th February, 1858	392 55	Reported by S. K. Smith. Suit [pending in Court of Appeals.
April 2	Evansville, Henderson, and Nashville Railroad, taxes on valuation of $20,000 per mile, under act 20th February, 1864, 1871	8,828 86	Reported by S. K. Smith. Suit [pending in Court of Appeals.
September 27	Newport and Cincinnati Bridge Company, taxes on valuation of $500,000 of corporate estate, under act 4th March, 1867, 1871	2,250 00	Reported by S. K. Smith. Suit [pending in Franklin Circuit Court

A STATEMENT—Continued.

Date.	Cases reported by Agents from 1st January, 1872, to 27th February, 1873.	Amounts paid into the Treasury.	Names of Agents collecting.
1872.			
June 10	Northern Bank of Kentucky, taxes on net surplus, 1859 to 1872, inclusive, under act 15th February, 1858, extending charter	$20,993 19	Reported by S. K. Smith. On file awaiting decision in Bank Ky. case.
June 10	Bank of Louisville, taxes on net surplus, 1859 to 1871, inclusive, under act 15th February, 1858, extending charter	5,327 96	Reported by S. K. Smith. On file awaiting decision in Bank Ky. case.
June 20	J. W. Wilgus et al., taxes on valuation of city lots, in city of Lexington, leased by J. W. Wilgus et al. for term fifteen years. (Valuation not yet fixed by county court)	----------	Reported by S. K. Smith. Suit pending in Fayette county court.
July 30	German Security Bank, taxes on net surplus, 1870 to 1872, inclusive, under act 17th February, 1858	119 76	Reported by S. K. Smith. On file awaiting decision in Falls City Tobacco Bank case.
June 8	W. H. Weibe, Acting Agent for Aurora Fire and Marine Insurance Company, of Cincinnati, Ohio, 1870 and 1871, without license; penalty for each offense	500 00	Reported by S. K Smith. Suit pending in Franklin circuit court.
June 8	Wm. Heindrick, Acting Agent for National Fire and Marine Insurance Company, of Cincinnati, Ohio, 1870 and 1871, without license; penalty for each offense	500 00	Reported by S. K. Smith. Suit pending in Franklin circuit court.
June 20	John Ulrich, doing brokerage business in city of Louisville for divers years without license, penalty	1,000 00	Reported by S. K. Smith. Suit pending in Franklin circuit court.
November 10	J. Wash Davis, late sheriff Jefferson county, taxes collected by himself and deputies from delinquents for years 1861, 1862, 1865, 1866, 1867, and 1868, and not accounted for	651 37	Reported by S. K. Smith. Suit pending in Jefferson county court.
May 23	Commercial Bank of Kentucky, tax on surplus, 1864 to 1871, inclusive, $4,481 09; credited by amount paid, $2,832 09; leaving	1,649 00	Reported by S. K. Smith.
Total		$135,641 33	

Amount collected and paid into the Treasury from 1st January, 1872, to 27th February, 1873, under act 28th February, 1862, and amendments thereto	$43,757 50
Amount reported due from sundry corporations, &c., in which suit is pending, &c.	91,883 83
Total	$135,641 33

Amount paid agents from 1st January, 1872, to 27th February, 1873:

Wm. Montfort	$503 39
S. K. Smith	5,657 60
A. T. Pope	2,784 87
John L. Sneed	1,079 34
Thos. S. Haydon	267 60
B. F. Camp	384 35
Total paid	$10,677 15

Amount collected and paid into the Treasury from 28th February, 1862, to 1st January, 1872, under act 28th February, 1862, and amendments thereto	$204,434 80
Amount paid agents from 28th February, 1862, to 1st January, 1872	$47,405 63

A LIST *of Agents appointed by the Auditor of Public Accounts under the act of 28th February, 1862, together with their place of residence.*

Names of Agents.	Residence.	Remarks.
John W. Rodman	Frankfort.	
Edward Hensley	Frankfort.	
Alfred T. Pope	Louisville	Resigned October 7th, 1872.
J. W. Cochrane	Lexington.	
A. L. McAfee	Nicholasville.	
J. F. Orr	Dixon.	
Warren Montfort	New Castle.	
A. Monroe Adair	Munfordsville.	
Elias Layton	Monticello.	
Sidney K. Smith	Louisville.	
Geo. W. Triplett	Owensboro.	
John L. Sneed	Frankfort.	
A. T. Dudley	Henderson.	
B. F. Camp	Louisville.	
R. T. Haley	Bowling Green.	
J. D. Wickliffe	Bardstown.	
George W. Williams	Owensboro.	

Attest: D. HOWARD SMITH, *Auditor.*

Ordered, That said response be printed for the use of the General Assembly.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Elizabethtown and Paducah Railroad Company.

An act to legalize the acts of W. N. Boaz as deputy clerk of the Graves county court.

An act to incorporate the Richmond, Irvine, and Three Forks Railroad Company.

An act to amend the city charter of Covington.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

1. An act to amend the articles of incorporation of the People's Building and Loan Association of Louisville.

By Mr. Talbott, from the Committee on Railroads—

2. An act to amend the charter of the Broadway and Dunkirk Railway Company.

Ordered, That the 1st be made the special order of the day for to-morrow, and that the 2d be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gatewood, from the Committee on Education—

An act to amend section 1, article 26, chapter 27, Revised Statutes;

By Mr. Fox, from the Committee on Education—

An act to amend section 646 of the Civil Code of Practice;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Hargis, from the Committee on the Judiciary—

A bill to amend an act for the benefit of the Carlisle and Jackstown Turnpike Road Company, approved December 20th, 1871.

By same—

A bill for the benefit of school district No. 4, in Nicholas county.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

A bill amending section 894, Civil Code of Practice.

By Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice—

A bill to incorporate the Hecla Coal and Mining Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Campbell, from the Committee on Revised Statutes and Codes of Practice, reported a bill, entitled

A bill to incorporate the Elizabethtown Building and Loan Association.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That A. B. Montgomery, A. M. Brown, John Turner, James B. Slack, Hillery Bryant, Virgil Hewett, C. Fraize, Mike Sweets, T. H. Gunter, R. H. Wintersmith, Turner Wilson, Frank Quiggins, W. M. Bell, Richard Larue, F. Robalt, A. H. Cunningham, H. G. V. Wintersmith, and J. Hotop, and their associates and successors, are hereby created a body-politic and corporate, under the corporate name and style of the Elizabethtown Building and Loan Association; and in that name may sue and be sued, contract and be contracted with, plead and be impleaded, in all the courts of this Commonwealth and elsewhere; may have perpetual succession and a common seal, and break and alter the same at pleasure; and may purchase, use, hold, and sell real and personal estate in and near Elizabethtown, Kentucky; issue stock not exceeding $500,000; loan its funds at a rate of interest not exceeding ten per cent., and take mortgages and other securities therefor; and may sell and convey any and all property owned by said corporation.

§ 2. The business of this corporation shall embrace the buying, improving, and leasing and selling real estate in and near Elizabethtown, Kentucky, and in loaning the funds of the association, always giving the preference to its own members; but the association may, if the board of directors think proper, invest a part of the funds in establishing and conducting manufacturing establishments in or near Elizabethtown.

§ 3. The funds of this association shall be represented by stock; and each share of stock shall be $200. No member shall, at any time, own more than twenty shares of unpaid stock; but any member may own any number of paid up shares of stock, and may pay for the same at any time in money, or by conveying to the association such real estate as the board of directors may decide to accept, at such valuation as the said board may fix upon said real estate; but no member shall have or cast more than (20) twenty votes at any election, or on any proposition, no matter how many shares of stock he may own.

§ 4. Whenever the board of directors may think proper to do so, they may direct that any property belonging to the association shall be sold, on such time and terms as the board may prescribe; and thereupon the secretary shall make known the day of sale, and the said property shall be sold to the highest and best bidder at public auction, the preference being given to members of the association; and the member who purchases said property shall have credit on the purchase price thereof for all dues and moneys he may have theretofore paid to said association, with six (6) per cent. interest on the same, from the time the same was

so paid by him, and the balance of the purchase price, if any, shall be paid at such time and upon such terms as the rules of the association may require; and the association shall retain a lien on said property to secure the payment of such balance of the purchase money.

§ 5. Each member, when he becomes a member, shall pay to the secretary an initiation fee of not less than fifty cents nor more than one dollar, which shall create a fund to pay the expenses of the association; and each member shall, in addition, pay to the association twenty-five cents each week, on each and every share of stock for which he may subscribe; and for each and every failure to make such weekly payment of dues, the secretary shall charge such member with five cents for each and every such default; and these charges shall stand against such member, and against the dues already paid in by him.

§ 6. The stock of this association shall be considered personal estate, and shall be transferable on the books of the association like bank stock: *Provided*, That if any member shall desire to withdraw before he has paid for his stock in full, his unpaid shares shall be sold to the highest bidder, after such member shall have given due notice of his desire to withdraw; and such withdrawing member shall be entitled to the proceeds of such sale, after paying to the association such charges and assessments as may be made against him, and against his stock in such cases; all of which will be provided for by the by-laws.

§ 7. The capital of this association shall never exceed $500,000, and shall be employed only for the purposes expressed in this charter; and in all sales or leases of property and loans of money, preference shall be given to the members of this association over persons who are not members; and all the profits made by the association, after paying the necessary expenses of conducting the same, shall belong to the stockholders in proportion to the amount of stock held by each member; and in case of dissolution, all the property shall be so divided.

§ 8. The corporators herein named, and such other persons as may have associated with them, by signifying, in writing, their desire to subscribe for stock herein, may, at any time after the passage of this act, meet in the city of Elizabethtown for the purpose of organizing under this act, by electing officers and opening books for the subscription for stock. The officers elected shall be a president, vice president, treasurer, secretary, and a board of five (5) directors, all of whom shall be persons who have signified their desire, in writing, to take one or more shares of stock; but the directors shall not be eligible to the office of president, vice president, secretary, or treasurer. These officers shall perform the duties usually required of such officers, and shall hold their offices from the time of the first election until the first regular meeting of the association in January next, and until their successors are duly elected and qualified. The annual elections shall thereafter be held, and said offices filled, by the votes of a majority of the members present at the first regular meeting of the association in January in each succeeding year. The secretary and treasurer shall each execute a bond, with sufficient surety, to be approved by the president and board of directors, conditioned for the faithful discharge of all their official duties. No money shall be drawn from the treasurer except by order of the board of directors.

§ 9. The board of directors may employ such attorneys and agents to act for the association as in their judgment the business may require, and may fix the compensation for the services performed.

§ 10. The association, at its regular meetings, may, from time to time, enact and enforce such regulations and by-laws as the business in their

judgment may require, not inconsistent with this charter, nor with the Constitution or laws of the United States or of the State of Kentucky.

§ 11. The board of directors may regulate the time and place of holding the meetings of this association in Elizabethtown, Kentucky.

§ 12. Either officers or members may be impeached, tried, and expelled by such proceedings as may be provided by the by-laws, for any immoral or improper conduct.

§ 13. This act shall be in force from its passage.

Mr. Wm. Johnson then moved to amend said bill as follows, viz:

To the — section of the bill add the following: "Nothing in this act shall be construed as authorizing said company to loan, sell, or otherwise dispose of any money, directly or indirectly, at a greater rate of interest than ten per cent. per annum."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hawes and Chelf, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	J. B. Haydon,
R. A. Burton,	W. W. Frazer,	G. A. C. Holt,
E. P. Campbell,	John J. Gatewood,	John W. Johnson,
W. H. Chelf,	Jesse C. Gilbert,	William Johnson,
James F. Clay,	D. R. Haggard,	W. H. Sneed,
Wm. L. Conklin,	H. S. Hale,	A. G. Talbott,
G. W. Connor,	Thomas F. Hargis,	Ben. J. Webb—22.
F. W. Darby,		

In the negative, Edwin Hawes—1.

Resolved, That the title of said bill be as aforesaid.

Mr. Connor, from the Committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act for the benefit of T. A. Leper, jailer of Livingston county;

An act to change the boundary line of the city of Columbus;

An act to amend an act, entitled "An act to amend the charter of the Bank of Ashland, and incorporate the Bank of Shelbyville," approved February 24th, 1869;

An act for the benefit of T. P. Cardwell, of Breathitt county;

An act to amend the charter of the Citizens' Passenger Railway Company, of Louisville;

An act to incorporate the Central University;

An act to empower the Grayson county court to levy an additional tax to build a new jail;

An act to amend an act, entitled "An act to incorporate the Louisville Rolling Mill Company," approved February 28, 1850;

Resolution appointing a joint committee to visit the House of Reform and Feeble-minded Institute for certain purposes;

Resolution in relation to the completion of the public buildings known as the "Fire-proof Offices;"

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to establish an academy in the town of Germantown, in Bracken and Mason counties;

An act for the benefit of the Lewis county court;

An act for the benefit of James R. Garland, of Lewis county;

An act to prohibit the sale of spirituous liquors in the town of Caverna;

An act for the benefit of the city of Louisville;

An act to authorize the clerk of the circuit court of Madison county to procure index books, and to index and cross-index equity and ordinary suits off the docket on file in his office;

An act for the benefit of the Baptist Church of Midway, in Woodford county;

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Connor reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Clay—

1. A bill to amend an act to incorporate the Henderson German School Association.

On motion of Mr. Sneed—

2. A bill to incorporate the Frankfort True Friend Society.

On motion of Mr. Gatewood—

3. A bill to protect the land and property of sundry citizens of Warren county from trespass.

On motion of Mr. Haggard—

4. A bill for the protection of counties, cities, towns, and precincts and individuals subscribing stock for the purpose of building railroads, turnpike roads, and other public improvements in this Commonwealth.

On motion of Mr. Hargis—

5. A bill to amend an act to amend chapter 102, entitled "Treasury Warrant Claims," of the Revised Statutes.

Ordered, That the Committee on Education prepare and bring in the 1st; the Committee on Revised Statutes and Codes of Practice the 2d; the Committee on Propositions and Grievances the 3d, and the Committee on the Judiciary the 4th and 5th.

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes.

To section one, article five, chapter sixteen, the following amendment was proposed by Mr. Frazer, which proposed amendment was withdrawn, but renewed by Mr Gilbert, viz:

The amendment was to strike out the word "three," wherever it occurs in said section, and insert in lieu thereof the word "two."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gilbert and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John E. Cooper,	Thomas F. Hargis,
E. P. Campbell,	W. W. Frazer,	Edwin Hawes,
James F. Clay,	Jesse C. Gilbert,	G. A. C. Holt—11.
Wm. L. Conklin,	H. S. Hale,	

Those who voted in the negative, were—

R A. Burton,	John J. Gatewood,	A. L. McAfee,
W. H. Chelf,	D. R. Haggard,	K. F. Prichard,
G. W. Connor,	J. B. Haydon,	W. H. Sneed,
F. W. Darby,	John W. Johnson,	A. G. Talbott,
William P. Duvall,	William Johnson,	Ben. J. Webb—15.

The eighth section of the sixth article, as reported by the joint committee, reads as follows, viz:

The per diem of members of the General Assembly shall be eight dollars for each day's attendance on the same for sixty days, and five dollars per day thereafter, and fifteen cents per mile for necessary travel to and from the sessions of their respective Houses.

Mr. Gilbert moved to amend said section by striking out the word "five," and inserting in lieu thereof the word "three."

And the question being taken thereon, it was decided in the negative.

The question was then taken on the adoption of the amendment proposed by the joint committee to the report of the revisors, said revisors having recommended five dollars per day during the entire session, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Conklin and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	William P. Duvall,	John W. Johnson,
James F. Clay,	W. McKee Fox,	K. F. Prichard,
Harrison Cockrill,	W. W. Frazer,	A. G. Talbott,
John E. Cooper,	John J. Gatewood,	Ben. J. Webb—12.

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	J. B. Haydon,
W. H. Chelf,	D. R. Haggard,	G. A. C. Holt,
Wm. L. Conklin,	H. S. Hale,	William Johnson,
G. W. Connor,	Thomas F. Hargis,	W. H. Sneed—14.
F. W. Darby,	Edwin Hawes,	

Mr. Gilbert then moved to amend the amendment proposed by the committee by striking out the word "five," and inserting the word "four."

Mr. Talbott then moved to amend the amendment proposed by Mr. Gilbert by substituting in lieu thereof the following, viz:

Amend the section so as to make it read: "the per diem of members of the General Assembly shall be seven dollars for each day's attendance on the same, and fifteen cents per mile for necessary travel to and from the sessions of their respective Houses."

And the question being taken thereon, it was decided in the affirmative, by the casting vote of the Speaker.

The yeas and nays being required thereon by Messrs. Sneed and Conklin, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	John E. Cooper,	John W. Johnson,
E. P. Campbell,	William P. Duvall,	A. G. Talbott,
James F. Clay,	W. W. Frazer,	Ben. J. Webb,
Harrison Cockrill,	John J. Gatewood,	John G. Carlisle—14.
G. W. Connor,	D. R. Haggard,	

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	G. A. C. Holt,
W. H. Chelf,	Thomas F. Hargis,	William Johnson,
Wm. L. Conklin,	Edwin Hawes,	A. L. McAfee,
F. W. Darby,	J. B. Haydon,	W. H. Sneed—13.
Jesse C. Gilbert,		

The question was then taken on the adoption of the amendment as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	William P. Duvall,	D. R. Haggard,
E. P. Campbell,	W. W. Frazer,	John W. Johnson,
James F. Clay,	John J. Gatewood,	A. G. Talbott,
Harrison Cockrill,	John E. Cooper,	Ben. J. Webb—13.
G. W. Connor,		

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	G. A. C. Holt,
W. H. Chelf,	Thomas F. Hargis,	Wm. Johnson,
Wm. L. Conklin,	Edwin Hawes,	A. L. McAfee,
F. W. Darby,	J. B. Haydon,	W. H. Sneed—12.

Mr. Haggard then moved to amend the ninth section of article six, chapter sixteen, as reported by the revisors, as follows, viz:

Strike out the words "thirty-five," the sum allowed to each Senator in lieu of stationery, and insert the word "twenty."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	Wm. Johnson,
E. P. Campbell,	D. R. Haggard,	W. H. Sneed—8.
Wm. L. Conklin,	J. B. Haydon,	

Those who voted in the negative, were—

R. A. Burton,	W. McKee Fox,	G. A. C. Holt,
W. H. Chelf,	W. W. Frazer,	John W. Johnson,
James F. Clay,	John J. Gatewood,	A. L. McAfee,
Harrison Cockrill,	H. S. Hale,	A. G. Talbott,
John E. Cooper,	Thomas F. Hargis,	Ben. J. Webb—17.
William P. Duvall,	Edwin Hawes,	

The chapter was then adopted as amended.

The seventeenth chapter, title "Clerks," was then taken up. The second section was amended by substituting the word "covenant" for the word "bond," and the same change to be made wherever it occurs.

The fourteenth section of said chapter was then considered. The section reads as follows, viz:

Sureties in their official bond of a clerk shall be liable for the amount of any fine adjudged against the clerk under the provisions

of this chapter, recoverable by action on the bond, in which action the judgment ascertaining the fine shall be conclusive against the defendants.

On motion of Mr. Gilbert, the word "covenant" was substituted for the word "bond," wherever it occurs.

Mr. Prichard then moved to strike out the word "conclusive," and insert in lieu thereof the words "*prima facie* evidence."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Gatewood, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	Thomas F. Hargis,
W. H. Chelf,	John J. Gatewood,	J. B. Haydon,
Wm. L. Conklin,	Jesse C. Gilbert,	John W. Johnson,
John E. Cooper,	D. R. Haggard,	W. H. Sneed,
F. W. Darby,	H. S. Hale,	A. G. Talbott—15.

Those who voted in the negative, were—

R. A. Burton,	James F. Clay,	Wm. Johnson—5.
E. P. Campbell,	Edwin Hawes,	

Pending the further consideration of said section, the Senate adjourned.

TUESDAY, MARCH 4, 1873.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, of the following title, viz:

An act to prohibit the selling of spirituous, vinous, or malt liquors in Tompkinsville, Monroe county, or within one mile thereof.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act in relation to the collection of delinquent taxes that may be owing to the county of Nelson.

An act for the benefit of John P. Barrett, late sheriff of Ohio county.

An act in relation to the arrest of drunken persons in the local jurisdiction of the police court of Bardstown.

An act to amend an act, entitled "An act to authorize the Christian county court to issue bonds for the purpose of building a court-house, and to establish a sinking fund to liquidate said bonds," passed February 13, 1867.

An act to incorporate the Highland Coal Company, of Hopkins county.

An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Calhoun," approved March 4th, 1872.

An act for the benefit of the Headquarters and Steel's Run Turnpike Road Company.

With an amendment as a substitute for the last named bill.

Which was referred to the Committee on Internal Improvement.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of Warren county.

2. An act to amend the charter of the town of Livermore, in McLean county.

3. An act for the benefit of the common schools in Bracken county.

4. An act establishing a justices' district, and providing for the election of justices and a constable in Fern Leaf voting precinct, in Mason county.

5. An act to authorize Elisha Wallace, of McCracken county, to build a dam and erect a saw and grist mill on Clark's river, in McCracken county.

6. An act to repeal the 202d, 203d, 204th, 205th, 206th, and 207th sections of the city charter of Paducah, in McCracken county.

7. An act to prohibit the sale of vinous, spirituous, or malt liquors in Nelson county, or in the incorporated towns in said county.

8. An act for the benefit of J. G. Scott, sheriff of Metcalfe county.

9. An act to prohibit the sale of spirituous liquors in Monroe county.

10. An act to provide for the transcribing in the county court clerk's office the original survey, plats, and certificates of Morgan county.

11. An act to authorize the county judge of Metcalfe county to sell and convey the poor-house farm in said county, and reinvest the proceeds.

12. An act for the benefit of Elliott county.

13. An act authorizing Linus Greenwell, of the county of Nelson, to erect a fish-dam across the Beech Fork of Salt river, in Nelson county.

14. An act to amend the charter of the town of Marion, in Crittenden county.

15. An act for the benefit of the New Liberty and Owenton Turnpike Road Company.

16. An act for the benefit of the New Liberty Branch Turnpike Road Company.

17. An act for the benefit of the county of Pulaski.

18. An act for the benefit of O. P. Shackelford, tax collector for Edmonson county, and his securities.

19. An act to amend an act, entitled "An act to prevent and punish certain trespasses in Scott and Woodford counties," approved March 26th, 1872.

20. An act to incorporate the Owensboro Building and Loan Association.

21. An act to incorporate the Auburn Building and Loan Association.

22. An act to organize the Morganfield public school.

23. An act to regulate the jurisdiction of the circuit court and court of common pleas.

24. An act to amend the charter of the city of Bowling Green.

25. An act to legalize certain proceedings of the Washington county court.

26. An act to amend the charter of the Springfield and Chaplin Turnpike Road Company.

27. An act to enlarge the corporate limits of the town of Monticello.

28. An act for the benefit of Jeremiah Overton, an idiot, of Wayne county.

29. An act authorizing the sale of the poor-house farm in Webster county.

30. An act to amend the charter of the Logan Female College Company.

31. An act to amend an act, entitled "An act to incorporate the Public Library of Kentucky."

32. An act to amend an act, entitled "An act to prevent the destruction of fish in the Kentucky river and its tributaries," approved March 13th, 1872.

33. An act to prohibit the sale of spirituous, vinous, or malt liquors near Trigg Furnace, in Trigg county.

34. An act to direct the running and marking the line between the counties of Franklin and Woodford.

35. An act to amend an act, entitled "An act to incorporate the Bank of Trenton, in Todd county," approved March 25th, 1872.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 2d to the Committee on Revised Statutes and Codes of Practice; the 3d, 22d, and 30th to the Committee on Education; the 4th, 5th, 6th, 10th, 23d, 25th, and 29th to the Committee on Courts of Justice; the 7th, 9th, and 33d to the Committee on Religion and Morals; the 11th, 12th, 14th, 17th, and 27th to the Committee on the Judiciary; the 8th and 18th to the Committee on Finance; the 13th, 19th, 32d, and 34th to the Committee on Propositions and Grievances; the 15th, 16th, and 26th to the Committee on Internal Improvement; the 20th and 21st to the Committee on Agriculture and Manufactures; the 28th to the Committee on Claims; the 35th to the Committee on Banks and Insurance; the 31st to the Committee on Library and Public Buildings and Offices, and the 24th was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of common schools in Jessamine county.

An act to incorporate Millersburg Academy.

An act to incorporate the Enterprise Improvement and Manufacturing Company.

An act to amend an act, entitled "An act to incorporate the Kentucky and Southern Railway Company."

An act providing for the collection of the railroad tax in the county of Montgomery.

An act for the benefit of Thos. Ballew, of Pulaski county.

An act to increase the salaries of the Superintendent of Public Instruction and his clerk.

An act to charter the Lebanon Wooden-ware Manufacturing Company.

An act for the benefit of the town of Springville, in Greenup county.

Mr. Wrightson presented the remonstrance of sundry citizens of Campbell county, against the passage of an act requiring the Licking River Lumber and Mining Company to raft their logs before floating or running them down said river.

Which was received, the reading dispensed with, and referred to the Committee on the Judiciary.

Mr. Gilbert, from the Committee on Courts of Justice, to whom had been referred the following petitions, viz:

The petition of sundry citizens of Casey county, praying the passage of an act creating an additional justices' district in said county. Also the petition of James S. Robertson, asking that the name of Mary Q. Gadbury be changed to that of Mary J. Robertson, and that she be made his heir-at-law,

Asked to be discharged from the further consideration of said petitions.

Which was granted.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Frazer, from the Committee on Banks and Insurance—

An act to incorporate the Russellville Banking and Warehouse Company.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to incorporate the Columbus and Milburn Gravel and Plank Road Company.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to regulate official sales in Trigg county.

By same—

An act for the benefit of Richard W., and Lizzie B. Lockhart, of Ballard county.

By same—

An act for the benefit of the assessor of Livingston county.

By same—

An act for the benefit of Charles E. Curd, of Calloway county.

By same—

An act to extend the corporate limits of the town of Lovelaceville, in Ballard county.

By same—

An act to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Blandville, in Ballard county."

By same—

An act to transfer the equity causes from the Hickman circuit court to the Hickman court of common pleas.

By Mr. Gatewood, from the Committee on Education—

An act to amend an act, entitled "An act to organize and establish a system of public schools in the city of Henderson."

By Mr. Frazer, from the Committee on Banks and Insurance—

An act to incorporate the Logan County Bank.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. John W. Johnson, from the Committee on Religion and Morals—

1. A bill to prohibit the sale of spirituous, vinous, or malt liquors at Island Station, or within two miles thereof, in McLean county.

By Mr. John W. Johnson, from the Committee on Education—

2. A bill for the benefit of school district No. 30, in Butler county.

By Mr. Frazer, from the Committee on Education—

3. A bill for the benefit of school district No. 1, of Metcalfe county.

By Mr. Talbott, from the Committee on Charitable Institutions—

4. A bill to incorporate the Odd Fellows' Temple Association, of Louisville.

By Mr. Barlow, from the Committee on Claims—

5. A bill for the benefit of J. W. Bradhorn, of Hardin county, and others.

By Mr. Pope, from the Committee on Railroads—

6. A bill to incorporate the Cairo and Tennessee River Railroad Company.

By Mr. J. W. Johnson, from the Committee on Education—

7. A bill to amend an act, entitled "An act to create the Hartford Seminary, of Ohio county."

By Mr. Whitaker, from the Committee on Banks and Insurance—

8. An act to incorporate the Tobacco Bank and Warehouse Company, of Covington.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 5th was recommitted to the Committee on Claims, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, March 1, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

G. W. Hull, Jefferson county.
Noah Spears, Scott county.
Thomas J. Barker, Spencer county.
Ashton P. Harcourt, Spencer county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

On motion, Mr. Pope was excused from further service on the Committee on Banks and Insurance.

Mr. Haggard, from the Committee on Propositions and Grievances, reported a bill, entitled

A bill for the benefit of Samuel Worley, of Butler county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, It appears to the satisfaction of this General Assembly that Samuel Worley, of Butler county, has taken care of and supported Solomon Painter and Nancy Painter, two idiot persons, of Butler county, for more than twenty years, who would otherwise have been a charge upon the State; and whereas, it appears that said Worley is now, and has been for several years, laboring under such financial embarrassment as to render it oppressive and unjust to him and his family to support said idiots; and inasmuch as said Worley has kept said idiots from becoming a charge on the State, justice demands that he should receive some remuneration; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of thirteen hundred dollars be, and is hereby, appropriated to said Samuel Worley for taking care of and supporting said idiots, and that the Auditor of Public Accounts draw his warrant on the Treasurer for said sum in favor of said Samuel Worley, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall be in force from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	J. H. Dorman,	Thomas F. Hargis,
W. H. Chelf,	William P. Duvall,	G. A. C. Holt,
James F. Clay,	John J. Gatewood,	John W. Johnson,
Harrison Cockrill,	Jesse C. Gilbert,	A. G. Talbott,
Wm. L. Conklin,	D. R. Haggard,	Ben. J. Webb,
G. W. Connor,	H. S. Hale,	Emery Whitaker—19.
John E. Cooper,		

Those who voted in the negative, were—

John S. Barlow,	J. B. Haydon,	K. F. Prichard,
E. P. Campbell,	William Johnson,	Thos. Wrightson—7.
Edwin Hawes,		

Resolved, That the title of said bill be as aforesaid.

The Senate also took up for consideration a bill, which originated in the House of Representatives, entitled

An act to authorize certain counties in this Commonwealth to levy a tax and pay for right of way and depot grounds for Cincinnati Southern Railway.

Ordered, That the further consideration of said bill be postponed to, and made the special order of the day for, to-morrow, at ten o'clock, A. M.

The Senate also took up for consideration a bill, entitled

A bill to amend section 77 of the Civil Code of Practice,

Together with the amendment heretofore proposed by Mr. Chelf as a substitute therefor, and also the amendment proposed thereto by Mr. Whitaker.

The original bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That section 77 of the Civil Code of Practice be, and the same is hereby, so amended as to authorize the service of summons, notice, or other legal process, on any railroad company running or operating a railroad in this State, by delivering a copy to any depot agent, or any person acting in the capacity of a depot agent of said company, found in the county where said action has been instituted and is pending.

§ 2. This act shall take effect from its passage.

The amendment proposed by Mr. Chelf as a substitute for the bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That section 77 of the Civil Code of Practice be, and the same is amended, by adding thereto the following: But where the defendant is a railroad corporation, and its president, treasurer, secretary, or other chief officer, cannot be found in the county where the action is pending, the service may be by delivering a copy of the summons, notice, or other legal process, to any depot agent, or any person acting in the capacity of a depot agent of said railroad company, found in the county where the action is pending.

§ 2. This act shall take effect from its passage.

The amendment proposed by Mr. Whitaker as an amendment to the proposed substitute is as follows, viz:

Add to the first section of the bill the following: "When there is no depot or depot agent in any county through which such railroad runs, then the process may be served upon any depot agent in an adjoining county.

The question was then taken on the adoption of the amendment proposed by Mr. Whitaker, and it was decided in the affirmative.

The question was then taken on the adoption of the amendment proposed by Mr. Chelf, as amended, and it was decided in the affirmative.

The question was then taken on ordering said bill to be engrossed and read a third time, as amended, and it was decided in the affirmative.

The question was then taken on dispensing with the third reading of said bill, as amended, and it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend an act to incorporate the Cumberland and Ohio Railroad Company.

Mr. Gatewood moved to postpone the further consideration of said bill and proposed amendment until to-morrow at ten o'clock, A. M.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gatewood and Dorman, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	Wm. Johnson,
James F. Clay,	John J. Gatewood,	A. L. McAfee,
Harrison Cockrill,	Jesse C. Gilbert,	Alfred T. Pope,
Wm. L. Conklin,	D. R. Haggard,	A. G. Talbott,
G. W. Connor,	Thomas F. Hargis,	Ben. J. Webb,
John E. Cooper,	Edwin Hawes,	Emery Whitaker,
J. H. Dorman,	G. A. C. Holt,	Thos. Wrightson—21

Those who voted in the negative, were—

R. A. Burton,	H. S. Hale,	K. F. Prichard,
E. P. Campbell,	J. B. Haydon,	W. H. Sneed—7.
W. H. Chelf,		

The Senate took up for consideration the resolution heretofore offered by Mr. Hale, entitled

Resolution in relation to a recess of the General Assembly.

Said resolution reads as follows, viz:

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That when the two Houses of this General Assembly adjourn on March 12th, 1873, that they adjourn to meet again on the 1st of May, 1873, for the purpose of considering the report of the Joint Committee on the Revision of the Statutes; and that said Joint Committee shall remain at the seat of government and complete their report by that day.

2. *Resolved*, That each member of said Joint Committee shall receive five dollars per day for each day he is present assisting in the work of said committee, and the same pay for each day he is detained from his labors by sickness of himself or any member of his family.

3. *Resolved*, That the other members of the General Assembly shall receive no per diem or mileage during the recess.

Mr. Darby then moved to amend the resolution offered by Mr. Hale by substituting in lieu thereof the following, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when this General Assembly shall adjourn on Thursday, the 13th instant, it will adjourn to meet on Tuesday, the 13th day of May, 1873, at 12 o'clock, meridian; and during the time of such recess, from the 13th instant until said time of reassembling on the 13th of May, or during so much of said time as may be necessary for that purpose, the joint special committee to which has been referred the report of Commissioners for the revision of the Statutes, shall remain in session at the seat of government, and continue the discharge of its duties in considering the report of said Commissioners, until such duty shall have been completed. That so long as said committee may remain in discharge of its aforesaid duties, during said recess, the members thereof shall continue to be allowed per diem as members of this General Assembly; but no member of this General Assembly, not a member of said committee, shall be allowed per diem during said recess. That after such reassembling on 13th of May, and during remainder of present session, no business shall be entertained or considered except the reports of said Commissioners and of said committee, and matters pertaining to the revision of the Statutes.

Mr. Gilbert then moved to amend the amendment proposed by Mr. Darby by adding thereto the following additional resolution, viz:

Resolved, That nothing except the revision of the Statutes and general laws shall be considered at such adjourned session.

Mr. Gilbert then moved that the further consideration of the original resolution, together with the proposed amendments, be postponed until Tuesday next.

Mr. Hargis then moved to postpone the same until the 1st day of April next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hargis and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

Wm. L. Conklin,	John J. Gatewood,	John W. Johnson,
G. W. Connor,	D. R. Haggard,	A. L. McAfee,
John E. Cooper,	Thomas F. Hargis,	K. F. Prichard,
J. H. Dorman,	Edwin Hawes,	W. H. Sneed,
William P. Duvall,	J. B. Haydon,	A. G. Talbott—15.

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	William Johnson,
R. A. Burton,	W. W. Frazer,	Alfred T. Pope,
E. P. Campbell,	Jesse C. Gilbert,	Emery Whitaker,
W. H. Chelf,	H. S. Hale,	Thos. Wrightson—14.
James F. Clay,	G. A. C. Holt,	

Mr. Haggard moved the following resolution, viz:

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved, That the Senate proceed each day, at the hour of ten o'clock, except Saturday, to consider the revision of the Statutes, and adjourn each day at two o'clock. On Saturdays it shall be in order to report three bills from each standing committee, if there shall be that number ready to report.

And the question being taken on the adoption of said resolution, it was decided in the negative.

Mr. Gilbert read and laid on the table two joint resolutions.

The rule not having been dispensed with, said resolutions were placed in the orders of day.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Mary Ann Pecantet's heirs, of Graves county;

An act to re-enact and amend the charter of the Paducah and Tennessee Railroad Company;

An act for the benefit of school district No. 19, in Kenton county;

An act to incorporate the Spring Station Railway Company;

An act to incorporate the Wilson Coal and Mining Company;

An act to amend an act, entitled "An act to incorporate the Second Presbyterian Church of the city of Louisville;"

An act to incorporate the River Transportation Company;

An act to authorize the Pike county court to issue bonds for court-house and other purposes;

An act for the benefit of A. C. Bowman, late sheriff of Breathitt county, and his sureties;

An act for the benefit of the Lagrange and Shelbyville Turnpike Road Company;

An act to incorporate the General Association of Colored Baptists in Kentucky;

An act to provide for a March term of the Jessamine quarterly court;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act for the benefit of common schools in Clinton county, and the act amending the same;"

An act for the benefit of George W. Cooper, of Logan county;

An act to incorporate the Society Franco-American of Mutual Assistance of the city of Paducah;

An act authorizing the Lewis county court to make an allowance to the clerk of the Lewis circuit court for continuing the general and cross-index to suits in the Lewis circuit court;

An act for the organization of the public schools in the town of Clayville, in Webster county;

An act to incorporate the Cairo and Ship Island Railroad Company;

An act to incorporate the Winchester Savings Bank;

An act to prohibit the selling of spirituous, vinous, or malt liquors in Tompkinsville, Monroe county, or within one mile thereof;

An act to incorporate the St. Charles Coal Company;

An act to amend an act, entitled "An act to incorporate the Bowling Green and Madisonville Railroad Company;"

An act to authorize the transfer of causes pending in the circuit court to the court of common pleas in Ballard county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. J. W. Johnson—

1. A bill to authorize the appointment of a superintendent and commissioner of roads and bridges for Ohio county.

On motion of Mr. Sneed—

2. A bill for the benefit of R. W. Lawler, jailer of Franklin county.

On motion of Mr. McManama—

3. A bill for the benefit of J. T. Quarles.

On motion of Mr. Pope—

4. A bill for the benefit of the Louisville Board of Trade.

On motion of same—

5. A bill to amend the charter of the Louisville Orphan Home Society.

On motion of Mr. Cooper—

6. A bill for the benefit of Turner & Brother, of Morgan county.

On motion of same—

7. A bill to authorize the Wolfe circuit court to allow certain guard claims, &c.

On motion of Mr. Sneed—

8. A bill to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March 16th, 1869.

Ordered, That the Committee on Religion and Morals prepare and bring in the 1st, 5th, and 6th; the Committee on Finance the 2d; a select committee, consisting of Messrs. Haggard, Clay, and McAfee, the 3d; the Committee on Revised Statutes and Codes of Practice the 7th, and the Committee on Propositions and Grievances the 8th.

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes.

The question under consideration at the time of adjournment was the adoption of the fourteenth section of chapter seventeen, as proposed by the committee.

Said section reads as follows, viz:

Sureties in their official bond of a clerk shall be liable for the amount of any fine adjudged against the clerk under the provisions of this chapter, recoverable by action on the bond, in which action the judgment ascertaining the fine shall be conclusive against the defendants.

Mr. Sneed then proposed to further amend said section as follows, viz:

The provisions of the fourteenth section of this chapter shall apply only to the seventh and eighth sections of this chapter.

And the question being taken thereon, it was decided in the negative.

The question was then taken on the adoption of the section, as amended, and it was decided in the negative.

The eighteenth chapter was then taken up. Mr. Prichard then moved to amend section one, subdivision one, by adding thereto the following: "unless sooner removed by the Governor."

Which was adopted.

The nineteenth chapter was then taken up.

Pending the consideration of the amendment proposed by the committee to section two of article two of this chapter, the Senate adjourned.

WEDNESDAY, MARCH 5, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to change and fix the time of holding the Hart circuit court.

An act to prevent the wanton destruction of fish in Crocus creek in Cumberland county.

An act to prohibit the destruction of fish by traps and by seining and netting in the spawning season in Barren river and its tributaries, in Allen county.

An act to incorporate the St. Catherine's Convent of Sisters of Mercy.

An act for the benefit of Nancy Edwards, an idiot, of Lawrence county.

An act to amend an act incorporating the Merchants' Insurance Company, approved February 28th, 1860.

An act to incorporate the trustees of the Baptist Female College of Liberty Association in the State of Kentucky.

An act to amend and reduce into one the several acts in relation to the town of Danville.

An act to authorize the sale of the Stamping Ground and Lecompt's Run Turnpike Road.

An act to amend the title of an act, entitled "An act to amend an act, entitled 'An act to regulate the sale and storage of illuminating oils made from coal, petroleum, and other bituminous substances,'" approved February 24th, 1873.

An act to amend the charter of the Pulaski Agricultural and Mechanical Association.

An act to incorporate the Bank of Lagrange.

With an amendment to the last named bill.

Which was referred to the Committee on Banks and Insurance.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to incorporate the St. Joseph's Catholic Benevolent Society, of Frankfort.

2. An act to amend the charter of the Louisville and Nashville Railroad Company.

3. An act for the benefit of Thomas M. Purnell.

4. An act to authorize the Carter county court to levy an ad valorem tax for bridge purposes.

5. An act to incorporate the Miners' Union, of Boyd and Carter counties.

6. An act to authorize the trustees of the Methodist Episcopal Church, South, of Cloverport, to sell certain church property.

7. An act to incorporate the town of College Hill, in Madison county.

8. An act for the benefit of Mary A. Carter, a minor, in Lyon county.

9. An act for the benefit of school district No. 2, in Lyon county.

10. An act in regard to turnpike roads in Garrard county in which said county owns stock.

11. An act to prohibit the sale of spirituous liquors or intoxicating beverages in Greenup county.

12. An act to amend an act, entitled "An act authorizing the Harrison county court to appropriate money to aid in building a bridge across main Licking at Claysville, and to levy a tax therefor," approved March 21st, 1871.

13. An act for the benefit of John A. Lafferty, late sheriff of Harrison county.

14. An act for the benefit of the unfinished turnpike roads in Henry county.

15. An act to incorporate the Covington Mining and Manufacturing Company.

16. An act for the benefit of common school district No. 24, in Larue county.

17. An act to authorize the trustees of the Stanford Male and Female Seminary to sell part of their lands, and invest the proceeds.

18. An act for the benefit of E. G. Walls, committee of Sarah Jane Walls, a pauper idiot, of Lincoln county.

19. An act to incorporate the Falls City Club of the city of Louisville.

20. An act to amend an act, entitled "An act to charter the Young Men's Real Estate, Building, and Accumulating Association, of Louisville," approved March 28th, 1872.

21. An act to amend the charter of the Louisville Baptists' Orphans' Home.

22. An act to incorporate the Maysville Chair Company.

23. An act to incorporate the Buffalo Furnace Company.

24. An act to prohibit the granting of license for the sale of spirituous, vinous, or malt liquors in the town of Butler, or within one mile thereof.

25. An act for the benefit of school district No. 17, Pendleton county.

26. An act for the benefit of the Iron Works Turnpike Road Company.

27. An act to legalize certain acts of the Mercer county court.

28. An act to change a part of the eastern boundary of the town of Harrodsburg.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 5th, 15th, 20th, 22d, and 23d to the Committee on Agriculture and Manufactures; the 2d to the Committee on Railroads; the 3d and 18th to the Committee on Claims; the 4th, 7th, 8th, and 19th to the Committee on the Judiciary; the 9th, 16th, 17th, and 25th to the Committee on Education; the 10th, 14th, and 26th to the Committee on Internal Improvement; the 11th and 24th to the Committee on Religion and Morals; the 12th, 27th, and 28th to the Committee on Courts of Justice; the 13th to the Committee on Finance; the 21st to the Committee on Charitable Institutions, and the 6th was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. I. L. Hyatt, Senator elect from the Thirty-fifth Senatorial District, to fill the vacancy occasioned by the resignation of Hon. E. D. Standiford, appeared, produced a certificate of his election, took the several oaths required by the Constitution and laws of the State, and repaired to his seat.

Mr. Conklin, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to tax railroads, turnpikes, and other corporations in aid of the Sinking Fund," approved February 20th, 1864,

Reported the same with an amendment.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz :

By Mr. Sneed, from the Committee on Finance—

A bill for the benefit of W. E. Clelland, late sheriff of Mercer county.

By Mr. Duvall, from the Committee on Internal Improvement—

A bill to incorporate the Covington Iron Company.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

A bill for the benefit of school district No. 1, in Lawrence county.

By Mr. Chelf, from the Committee on Revised Statutes and Codes of Practice—

A bill for the benefit of C. M. Hanks and Samuel Spradlin, of Wolfe county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Conklin, from the Committee on Finance, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to amend the revenue laws of this Commonwealth,

Reported the same with an amendment.

Mr. Hale then moved an amendment as a substitute for said bill and proposed amendment.

Ordered, That said bill and proposed amendments be printed, and made the special order of the day for Friday next, the 7th inst.

The Senate took up for consideration a bill, entitled

A bill to amend an act to incorporate the Cumberland and Ohio Railroad Company,

With the amendment proposed by the House of Representatives.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the respective county courts of the counties, or districts of counties, that have issued, or may hereafter issue, bonds in payment of subscriptions to the capital stock of the Cumberland and Ohio Railroad Company, annually, at the April or May term of said court, to levy a tax on the property of said county or district of county, subject to taxation for revenue purposes, sufficient to pay one year's interest on said bonds: *Provided*, That if, from any cause, such tax shall not be levied in said months, the same may be levied at any subsequent term of said court; and the county judge shall serve under this act, and shall be liable for any damages resulting from such delay in making the levy.

§ 2. That it shall be the duty of the sheriff or other person collecting the State revenue, in each county or district of county in which a tax shall be levied for the purpose mentioned in the foregoing section, to collect said tax, and, after the first day of June in each year, to pay over the same to the Sinking Fund Commissioners for his county or district, in monthly installments of not less than one ninth of the whole amount of such tax levied in any one year; and upon his failure to collect or to pay over such tax as required herein, he and his sureties on his official bond shall be liable for the same, and ten per cent. thereon, to be recovered on motion in the county court of his county by the Sinking Fund Commissioners or any holder of a bond of such county or district, ten days' notice of such motion having been first given: *Provided, however*, That if the county court shall appoint a special collector of said tax other than the sheriff, and such appointee shall, at the term of his appointment, appear in open court and execute, with good and sufficient sureties, a bond to the Sinking Fund Commissioners of such county or district for the faithful collection and payment of said tax, then the sheriff shall not be required to collect the said tax for that year; and said special collector shall have the same power, and he and his sureties shall be liable to the same extent and in the same manner, as sheriffs.

§ 3. That the sheriff or other collector who may collect, or who may have collected, such tax, shall receive such compensation therefor as the county court may allow, not exceeding five per cent. on the amount collected.

§ 4. That if the county court of any county, or district of county, in which a tax may be levied, as provided in the first section of this act, shall fail to appoint Sinking Fund Commissioners for such county or district, as required by an act to amend the charter of said company, approved February 24th, 1872, or if the persons he may appoint refuse or fail to act, then the sheriff or special collector for such county or district shall pay out and invest the taxes by him collected in the same manner that the Sinking Fund Commissioners are required by said amendatory act to pay out and invest the same.

§ 5. That the Cumberland and Ohio Railroad Company is hereby authorized and empowered to issue and sell mortgage bonds to any amount, not exceeding twenty thousand dollars per mile, for each mile of road to

be constructed or owned or operated by said company, to bear not more than eight per cent. interest per annum.

§ 6. The president and directors of said company are authorized to change, if they see proper, the name of said railroad company: *Provided*, That before any such change shall be binding, it shall be approved by a majority of the stockholders: *Provided*, That no court be compelled to issue bonds, unless the directors of said railroad company comply with the conditions upon which the vote was submitted ordering such subscription: *And provided further*, That nothing in this act shall have the effect to prevent any county which may have issued, or may issue bonds in aid of said railroad, to make any defense at law or equity against the collection of said tax which existed at the date of the passage of this act.

§ 7. This act shall take effect and be in force from its passage.

The amendment proposed by the House of Representatives as a substitute for said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, It shall be the duty of the respective county courts of the counties, or districts of counties, that have issued, or may hereafter issue, bonds in payment of the subscriptions to the capital stock of the Cumberland and Ohio Railroad Company, annually, at the April or May term of said court, to levy a tax on the property of said county, or district of county, subject to taxation for revenue purposes, sufficient to pay one year's interest on said bonds: *Provided*, That if, from any cause, such tax shall not be levied in said months, the same may be levied at any subsequent term of said court.

§ 2. It shall be the duty of the sheriff or other person collecting the State revenue, in each county, or district of county, in which a tax shall be levied for the purposes of the foregoing section, to collect said tax, and pay over the same to the Sinking Fund Commissioners for his county or district, on or before the first day of December in each year, and may pay the same in monthly installments, commencing on the first day of June in each year; and upon his failure to collect or pay over such tax as required herein, he and his securities on his official bond shall be liable for the same, and ten per cent. thereon, to be recovered on motion of the Sinking Fund Commissioners or any holder of a bond of such county or district, in the county court of his county, ten days' notice of said motion having been first given: *Provided, however*, That if the county court shall appoint a special collector of said tax other than the sheriff, and such appointee shall, at the term of his appointment, appear in open court and execute, with good and sufficient securities, a bond to the Sinking Fund Commissioners of such county or district for the faithful discharge of his duties in the collection and payment of said tax, then the sheriff shall not be required to collect the said tax for that year; and said special collector shall have the same power, and he and his sureties shall be liable to the same extent and in the same manner, as sheriffs.

§ 3. The sheriff, or other collector, who may collect, or who may have collected such tax, shall receive such compensation therefor as the county court may allow, not exceeding six per cent. on the amount collected, which the sheriff or other collector may retain out of the amount collected.

§ 4. If the county court from any cause shall fail to appoint Sinking Fund Commissioners for such county or district, as required by an act to amend the charter of said company, approved February 24th, 1872, or if the Commissioners fail to act, then the sheriff or special collector for such

county or district shall pay out and invest the taxes by him collected in the same manner that the Sinking Fund Commissioners are required by said amendatory act to pay out and invest the same.

§ 5. The said Cumberland and Ohio Railroad Company is hereby authorized and empowered to issue and sell mortgage bonds to any amount, not exceeding twenty-five thousand dollars per mile, for each mile of road to be constructed or owned or operated by said company, to bear not more than eight per cent. interest per annum. That said mortgage bonds shall not be made payable in less than thirty years from the date of their issue.

§ 6. The said railroad company shall have the power and right to lease its railroad, and any branch and extension thereof, to any other company, party, or corporation, for a series of years, not exceeding twenty-five, and on terms and conditions specified in the contract: *Provided*, Said lease shall be binding only when ratified by a majority of the stockholders in interest in said railroad company.

§ 7. The president and directors of said company are authorized to change, if they see proper, the name of said railroad company. But before any such change shall be binding, it shall be approved by a majority of the stockholders in interest in said railroad company.

§ 8. Before any court shall be required to issue bonds as provided for in this act, the president and directors of said company shall comply with the conditions upon which the vote was submitted ordering or authorizing such subscription: *And provided further*, That nothing in this act shall have the effect to prevent or deprive any county or district which may have issued, or may issue bonds in aid of said railroad company, from making any defense at law or equity against the collection of said tax, which existed before, or may be in existence at the passage of this act.

§ 9. This act shall take effect and be in force from its passage.

Mr. Barlow then proposed to amend the amendment proposed by the House of Representatives as follows, viz:

§ 9. It shall not be lawful for the county judge of either of the counties of Barren or Allen to issue any bond or bonds in payment of any stock which may have been subscribed for by any or either of said judges, on behalf of any or either of said counties, until the president and directors of said company have put the road under contract in and through said counties, and then only upon the monthly report of the local engineer of the estimates of the value of the work actually done in such county on said railroad; which report shall be verified by the oath of said engineer, taken before the judge of the county court of such county in which the work is done, and shall be filed by him, and preserved in his office.

§ 10. A false oath taken to such statement of estimates shall be punished as such by indictment of a grand jury, and in the circuit courts of this State.

§ 11. When said engineer shall have made out and sworn to and filed his report of the true amount of work actually done in the county of Barren or Allen, then, upon demand of the president and directors of said road, it shall be the duty of the county judge of the

county in which the work has been done to issue the bonds of the county in payment of the stock which may have been legally subscribed for by the county judge of such county, on behalf of the county, and deliver them to the president of said road in payment of such stock, to the amount of the value of the work actually done in such county, and no more, until the estimates made, reported, and filed, as herein provided, and the work is actually done in said county, equal in amount and value to the whole amount of stock so subscribed for by such county in aid of said railroad company; and then it shall be the duty of the judge of said county court to deliver to the president of said company the bonds of said county, to an amount sufficient, with what may have been previously delivered at par value, to pay all the stock subscribed for by said county to said railroad company.

§ 12. Nothing in this act shall be so construed as to avoid a contract heretofore made by and between the president and directors of the Cumberland and Ohio Railroad Company and the president and directors of the Glasgow Railroad Company; but each of the contracting parties, and the contract itself, shall stand in the same attitude in relation to the subject-matter of said contract just as though this act had not been enacted.

§ 13. All acts in conflict with this act are repealed; and this act shall take effect from its passage.

The question was then taken on the adoption of the amendment proposed by Mr. Barlow to the amendment proposed by the House of Representatives, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Chelf and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	Wm. Johnson,
R. A. Burton,	W. McKee Fox,	A. L. McAfee,
James F. Clay,	W. W. Frazer,	O. D. McManama,
Harrison Cockrill,	John J. Gatewood,	A. G. Talbott,
Wm. L. Conklin,	Jesse C. Gilbert,	W. L. Vories,
John E. Cooper,	D. R. Haggard,	Ben. J. Webb,
F. W. Darby,	Edwin Hawes,	Emery Whitaker—23.
J. H. Dorman,	G. A. C. Holt,	

Those who voted in the negative, were—

W. H. Chelf,	J. B. Haydon,	Alfred T. Pope,
G. W. Connor,	I. L. Hyatt,	K. F. Prichard,
H. S. Hale,	A. L. Martin,	W. H. Sneed—9.

Mr. Barlow moved to reconsider the vote by which said amendment had been adopted, and it was decided in the negative.

The question was then taken on the adoption of the amendment proposed by the House of Representatives, as amended by the Senate, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Chelf and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	G. A. C. Holt,
James F. Clay,	William P. Duvall,	Wm. Johnson,
Harrison Cockrill,	John J. Gatewood,	A. L. McAfee,
Wm. L. Conklin,	Jesse C. Gilbert,	A. G. Talbott,
G W. Connor,	D. R. Haggard,	W. L. Vories,
John E. Cooper,	Edwin Hawes,	Ben. J. Webb—19.
F. W. Darby,		

Those who voted in the negative, were—

R. A. Burton,	J. B. Haydon,	Alfred T. Pope,
W. H. Chelf,	I. L. Hyatt,	K. F. Prichard,
W. McKee Fox,	A. L. Martin,	W. H. Sneed,
H. S. Hale,	O. D. McManama,	Emery Whitaker—12.

The Senate having reconsidered the vote by which the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to incorporate the Chataroi Railway Company,

Had been concurred in, a message was sent to the House of Representatives asking leave to withdraw the announcement of their concurrence in said amendment.

After a short time, a message was received from the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the Senate, entitled

An act to incorporate the Chataroi Railway Company,

Together with their proposed amendment.

Which was granted, and the bill handed over to the messenger.

Indefinite leave of absence was granted to Messrs. Hargis, John W. Johnson, and Wrightson.

At one o'clock, P. M., Mr. Frazer moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

W. McKee Fox,	William Johnson,	A L. McAfee,
W. W. Frazer,	A. L. Martin,	Emery Whitaker—6.

Those who voted in the negative, were—

John S. Barlow,	William P. Duvall,	I. L. Hyatt,
R. A. Burton,	John J. Gatewood,	O. D. McManama,
W. H. Chelf,	Jesse C. Gilbert,	Alfred T. Pope,

James F. Clay,	D. R. Haggard,	K. F. Prichard,
Wm. L. Conklin,	H. S. Hale,	W. H. Sneed,
G. W. Connor,	Edwin Hawes,	A. G. Talbott,
John E. Cooper,	J. B. Haydon,	Ben. J. Webb—23.
J. H. Dorman,	G. A. C. Holt,	

Mr. Chelf read and laid on the table a joint resolution.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Speakers of the Senate and House of Representatives be requested to appoint one additional member from each House to act with the Joint Committee on the Revision of the Statutes.

The rule not having been dispensed with, said resolution was placed in the orders of the day.

Mr. Hyatt was, by the Speaker, placed on the Committees of Banks and Insurance, Internal Improvement, and Propositions and Grievances.

Leave was given to bring in the following bills, viz:

On motion of Mr. Cockrill—

1. A bill for the benefit of James Thomas, late sheriff of Lee county.

On motion of Mr. Connor—

2. A bill to provide for the collection of railroad tax in Montgomery county.

On motion of same—

3. A bill to establish an additional justices' district in Bath county.

On motion of Mr. Hyatt—

4. A bill to prevent live stock of all kinds from running at large in Jefferson county.

On motion of Mr. Sneed—

5. A bill for the benefit of school district No. 46, in Franklin county.

On motion of Mr. McManama—

6. A bill to protect the public buildings in the city of Frankfort and its vicinity.

On motion of Mr. McAfee—

7. A bill for the benefit of the jailer of Fayette county.

Ordered, That the Committee on Finance prepare and bring in the 1st; the Committee on Courts of Justice the 2d, 3d, and 7th; the Committee on Propositions and Grievances the 4th; the Committee on Education the 5th, and the Committee on Library and Public Buildings and Offices the 6th.

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes.

At the time of the adjournment of the Senate on yesterday, the motion made by Mr. Prichard to strike out the amendment proposed by the joint committee to the report of the revisors to the second section of article two, chapter nineteen, had been considered, upon which the yeas and nays had been called at the previous session on motion of Mr. Hargis, and seconded by Mr. Prichard.

The amendment referred to reads as follows, viz:

That when half of the resident land-owners shall petition the trustees and county commissioner to give notice as hereafter provided.

The Speaker then propounded the question, "Shall the amendment proposed by the committee be adopted?"

The yeas and nays being taken thereon, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	G. W. Connor,	A. G. Talbott,
E. P. Campbell,	W. W. Frazer,	Ben. J. Webb,
W. H. Chelf,	J. B. Haydon,	Emery Whitaker—11.
James F. Clay,	William Johnson,	

Those who voted in the negative, were—

Wm. L. Conklin,	John J. Gatewood,	Edwin Hawes,
John E. Cooper,	Jesse C. Gilbert,	A. L. Martin,
F. W. Darby,	D. R. Haggard,	K. F. Prichard,
J. H. Dorman,	H. S. Hale,	W. H. Sneed—12.

So said amendment was rejected.

And then the Senate adjourned.

THURSDAY, MARCH 6, 1873.

On motion of Mr. Campbell, he was excused from further service on the Joint Committee on the Revision of the Statutes, and Mr. Conklin was added to said committee to fill said vacancy.

Mr. Webb, from the Committee on Agriculture and Manufactures, to whom was referred leave to bring in a bill, entitled

A bill for the benefit of the Grand Central Industrial Exposition,

Asked to be discharged from the further consideration of the leave.

Which was granted.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to amend an act, entitled "An act to incorporate the Marion County Agricultural and Mechanical and Stock Association," approved January 16th, 1868.

By Mr. Pope, from the Committee on Railroads—

A bill to amend an act, entitled "An act to incorporate the Short Route Railway Transfer Company."

By Mr. Pope, from the Committee on the Judiciary—

A bill for the benefit of the Louisville Industrial Exposition, and to amend the charter thereof.

By Mr. McManama, from a select committee—

A bill to authorize the judge of the Grant county court to sell the poor-house farm in said county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Dayton and Bellview Gas-light Company, in Campbell county.

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to incorporate the Owensboro Masonic Mutual Relief Association.

By Mr. Gatewood, from the Committee on Education—

An act for the benefit of Cold Spring school district, in Campbell county.

By same—

An act to authorize the sale and conveyance of the seminary property situated in the town of Mount Vernon, in Rockcastle county, and appropriate the proceeds arising therefrom to common school purposes for said county.

By same—

An act to provide for redistricting the school districts of the county of Madison.

By Mr. Frazer, from the Committee on Education—

An act to amend the charter of the Logan Female College Company.

By same—

An act for the benefit of the common schools in Bracken county.

By Mr. Conklin, from the Committee on Finance—

An act for the benefit of R. N. Walker, late sheriff of Crittenden county.

By same—

An act for the benefit of the heirs of Horace Welford, deceased, of Virginia.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act for the benefit of Warren county.

By Mr. Conklin, from the Committee on Finance—

An act for the benefit of O. P. Shackelford, tax collector for Edmonson county, and his securities.

With an amendment to the last named bill.

Which was adopted.

Ordered, That said bills, the last named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Prichard—

1. A bill for the benefit of John D. Russell, of Greenup county.

On motion of Mr. Pope—

2. A bill to amend the charter of the Spring Station Railway.

On motion of same—

3. A bill for the benefit of John M. Martin, sheriff of Jefferson county.

On motion of Mr. Fox—

4. A bill to incorporate the Grand Union Railroad Bridge at Louisville.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st; the Committee on Railroads the 2d and 4th, and the Committee on Finance the 3d.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act in relation to the collection of delinquent taxes that may be owing to the county of Nelson;

An act for the benefit of John P. Barrett, late sheriff of Ohio county;

An act in relation to the arrest of drunken persons in the local jurisdiction of the police court of Bardstown;

An act to amend an act, entitled "An act to authorize the Christian county court to issue bonds for the purpose of building a court-house, and to establish a sinking fund to liquidate said bonds," passed February 13, 1867;

An act to incorporate the Highland Coal Company, of Hopkins county;

An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Calhoun," approved March 4th, 1872;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Richard W. and Lizzie B. Lockhart, of Ballard county;

An act to further amend the laws in relation to peddlers;

An act to regulate official sales in Trigg county;

An act to amend the charter of the Broadway and Dunkirk Railway Company;

An act to extend the corporate limits of the town of Lovelaceville, in Ballard county;

An act to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Blandville, in Ballard county;"

An act for the benefit of Charles E. Curd, of Calloway county;

An act to transfer the equity causes from the Hickman circuit court to the Hickman court of common pleas;

An act for the benefit of the assessor of Livingston county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Mr. Conklin, from the Committee on Finance, to whom was referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of S. S. Farris, sheriff of Barren county,

Reported the same, with the expression of opinion that said bill ought not to pass.

On motion,

Ordered, That said bill be referred to the Committee on Propositions and Grievances.

Mr. Conklin, from the Committee on Finance, to whom was referred a bill, entitled

A bill directing the Auditor to pay certain guard claims in Powell county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, it was decided in the affirmative.

Said bill was read a third time as follows, viz:

WHEREAS, At the September term, 1872, of the Powell Circuit Court, Wm. B. Townsend was convicted of the offense of manslaughter, and sen-

tenced to the penitentiary for the term of ten years, and the judge of said court being satisfied, from proof made in open court, that there was danger of said Townsend being rescued from the jail of said county, ordered a guard to guard said prisoner; and there being no statute authorizing the Auditor to allow pay to said guard, therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and is hereby, authorized and directed to draw his warrant upon the Treasurer for the payment of said guard, after having first been allowed by the circuit court of said county, and certified to the Auditor as other like claims.

§ 2. This act to take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conklin and Hale, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	I. L. Hyatt,
James F. Clay,	W. McKee Fox,	A. L. Martin,
Harrison Cockrill,	W. W. Frazer,	A. L. McAfee,
G. W. Connor,	John J. Gatewood,	A. G. Talbott,
John E. Cooper,	D. R. Haggard,	Ben. J. Webb—16.
F. W. Darby,		

Those who voted in the negative, were—

R. A. Burton,	H. S. Hale,	K. F. Prichard,
E. P. Campbell,	Edwin Hawes,	W. H. Sneed,
Wm. L. Conklin,	J. B. Haydon,	W. L. Vories,
J. H. Dorman,	G. A. C. Holt,	Emery Whitaker—14.
Jesse C. Gilbert,	William Johnson,	

Resolved, That the title of said bill be as aforesaid.

Mr. Whitaker, from the Committee on Banks and Insurance, to whom was referred the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to incorporate the Bank of Lagrange,

Reported the same, with the expression of opinion that said amendment should be concurred in.

And the question being taken thereon, it was decided in the affirmative.

Mr. McManama, from the Committee on Library and Public Buildings and Offices, reported a bill, entitled

A bill to protect the public buildings in the city of Frankfort and its vicinity, belonging to the State.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the State Librarian be, and he is hereby, authorized and directed to purchase a sufficient quantity of lightning conductors to protect all of the public buildings situated in the city of Frankfort, including the State Penitentiary and the Institution for the Education of Feeble-minded Children.

§ 2. The Auditor of Public Accounts is directed to draw his warrant upon the Treasurer in favor of the contractor who furnishes the rods and performs the work for a reasonable price, for the sum to be agreed upon by the Librarian and the contractor.

§ 3. This act to take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Harrison Cockrill,	Wm. Johnson,	W. H. Sneed,
W. W. Frazer,	A. L. Martin,	A. G. Talbott,
John J. Gatewood,	O. D. McManama,	W. L. Vories,
D. R. Haggard,	Alfred T. Pope,	Emery Whitaker—12.

Those who voted in the negative, were—

John S. Barlow,	J. H. Dorman,	G. A. C. Holt,
E. P. Campbell,	W. McKee Fox,	I. L. Hyatt,
Wm. L. Conklin,	Jesse C. Gilbert,	K. F. Prichard,
G. W. Connor,	Edwin Hawes,	Ben. J. Webb—14.
John E. Cooper,	J. B. Haydon,	

So said bill was rejected.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to authorize certain counties in this Commonwealth to levy a tax and pay for right of way and depot grounds for Cincinnati Southern Railway,

Together with the amendments proposed by the Committee on Railroads.

Said bill reads as follows, viz:

WHEREAS, An act was passed by this General Assembly, approved February 13th, 1872, entitled "An act to authorize the trustees of the Cincinnati Southern Railway to acquire the right of way, and to extend a line of railway through certain counties in this Commonwealth;" and whereas, the people of the counties hereinafter named are deeply interested in the location and construction of said line of railway and its appendages in

and through said counties; and it is necessary, in order to enable them to secure such location and construction, and the benefits arising therefrom, that a sum of money sufficient to pay the costs and expenses of procuring the right of way and providing depot grounds for said railway, should be raised by each of said counties; and whereas, the people of said counties have applied to this General Assembly for authority to raise money by taxation, and by the issue of bonds, for the purposes aforesaid, upon the conditions hereinafter stated; now, therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That whenever any ten residents and owners of property assessed for taxation for State revenue purposes in any of the counties of Whitley, Laurel, Madison, Clark, Bourbon, Harrison, Kenton, Scott, Franklin, Anderson, Woodford, Fayette, Jessamine, Mercer, Garrard, Boyle Lincoln-Rockcastle, Casey, Pulaski, Russell, Wayne, Clinton, Cumberland, Monroe, Adair, Metcalfe, Josh Bell, Gallatin, Knox, Clay, Owsley, Jackson, and Estill, shall make application therefor, in writing, to the presiding judge of the county court in which said applicant resides and owns property as aforesaid, it shall be the duty of such judge forthwith to cause the several justices of the peace in and for said county to be summoned, to meet within ten days after said application is made; and, when so assembled, they may make an order upon the records of said court, submitting to the *qualified voters* in said county the question of raising, by taxation, and by the issue of bonds, in such sums as may be required, not greater than the amount hereafter named, and directing a poll to be opened at the usual voting place or places in each election precinct in said county, on a day designated in said order, for the purpose of taking the sense of said voters upon the said question; the said election shall be held within thirty days after the date of said order, and not less than fifteen days' notice thereof shall be given by printed posters, one of which shall be put up at the door of the court-house, and one at each voting place in said county. It shall be the duty of the presiding judge, at the time such election is ordered, to appoint the necessary officers to conduct the same; who shall have all the powers, perform all the duties, and receive the compensation prescribed by the general laws of this Commonwealth in cases of election for county officers. The poll-book shall be returned to the clerk of the county court within three days after the election; and the clerk shall forthwith report the same to the presiding judge of said court; and said judge, together with the clerk, shall at once proceed to ascertain the result of said election, and enter the same upon the records of the court, which record shall be conclusive of the regularity and result of said election; the result or validity of said election shall not be questioned, unless proceedings for that purpose be commenced within thirty days after said result is ascertained and stated upon the records of the court.

§ 2. At said election the following questions shall be propounded to each voter: "Are you in favor of raising, by taxation, the sum of —— dollars (the amount specified in the application and order to be here inserted), upon condition that the Cincinnati Southern Railway shall be located and constructed through this county, and the said money to be expended within this county solely, for paying for the right of way and depot grounds?" and the sense of the voters shall be recorded in the affirmative or negative, as the case may be. In case a majority of the votes cast at said election shall be in the affirmative, it shall be the duty of the presiding judge at once to appoint three commissioners, who shall, under oath, ascertain and report the cost of the right of way through said

county; and he shall cause the several justices of the peace for said county to assemble within ten days after the said report is received, and when so assembled, the said commissioners shall report the cost of the right of way as aforesaid; and it shall be the duty of the said justices at once to levy a tax upon the taxable property in said county, subject to taxation for State revenue purposes, sufficient to raise the sum specified in said report, or such part thereof as may be determined upon; and for the remainder of the amount authorized to be raised the presiding judge shall forthwith issue the bonds of said county, for an amount not less than one hundred dollars each, nor more than one thousand dollars each, signed by him as presiding judge, and countersigned by the clerk of the county court, payable to bearer, with interest at any rate not exceeding ten per cent. per annum, payable semi-annually, at such place as said presiding judge may determine; and said bonds shall have coupons or interest warrants attached thereto, attested by the signature of the clerk of the county court. It shall be the duty of said court, annually, at its sitting as a court of claims, to levy and cause to be collected a tax upon the taxable property in said county subject to assessment for State revenue purposes, sufficient to pay the interest on said bonds, and to provide a sinking fund for the redemption of the bonds at maturity; said bonds, when issued, shall be delivered to the Commissioners of the Sinking Fund as hereinafter provided.

§ 3. All taxes levied under authority of this act shall be collected by the sheriff at the same time and in the same manner that the county levy is required to be levied; but before proceeding to collect the same, he shall execute a bond, with good and sufficient security, to be approved by the presiding judge of the county court, stipulating for a faithful pert formance of his duties under this act, and that he will promptly pay over to the Commissioners of the Sinking Fund for said county all moneys collected by him; and in case he shall fail or refuse to execute such bond, the presiding judge shall appoint a special collector, who shall execute a like bond, and exercise all the powers of a sheriff in making such collections. The sheriff or special collecter shall receive the same compensation, for making collections under this act, as is allowed by law for collecting the State revenue. For a breach of the bond of the sheriff or special collector, the Commissioners of the Sinking Fund may sue in their own names for the use and benefit of the county; and in case of their refusal to sue when required by any tax-payer, such tax-payer may prosecute an action on said bond in the name of said commissioners; but he shall be liable for all costs and expenses in case such suit is not successful.

§ 4. It shall be the duty of said justices of the peace, at their second meeting, as required by this act, or within thirty days thereafter, and every two years afterwards, to elect three Commissioners of the Sinking Fund, who shall serve two years, and until their successors are elected and qualified. The said commissioners shall take an oath that they will faithfully perform the duties of their office, and shall execute separate bonds, with good and sufficient sureties, to be approved by the presiding judge of the county court, conditioned that they will well and truly do and perform all the things required of them by this act, and any amendments thereto; and that they will promptly account for and pay over to the proper persons all moneys recived by them, all moneys raised by taxation under this act, and all moneys raised by the sales of bonds authorized by this act, that may come to their hands. They shall receipt for all moneys that may come to their hands. They may sell or hypothecate said bonds.

§ 5. Whenever the Cincinnati Southern Railway shall be located in any

one of the said counties, and its construction actually commenced therein, it shall be the duty of the Commissioners of the Sinking Fund for such county to pay the owners of the land required to be taken for right of way and depot grounds the sums ascertained to be due them.

§ 6. The amount authorized to be raised by taxation, and by the issue of bonds, shall not be greater in any of the counties herein named than a sum actually necessary to pay for right of way and depot grounds for said railway; and this shall in no county exceed the sum of seventy-five thousand dollars. In case such election shall be set aside, a second election may be ordered and held, upon new application being made; but no such election shall be held until after the expiration of sixty days from the date of the first election, and no more than two elections shall be held under this act in any one county.

§ 7. The Commissioners of the Sinking Fund shall, out of the money in their hands raised for that purpose, pay the interest on any bonds issued under the provisions of this act; and they shall have the custody and management of all money raised for the redemption of said bonds, and may loan the same out, from time to time, upon good security, until the maturity of said bonds; or they may, when so authorized by the presiding judge, by an order entered upon the records of his court, use the whole, or any part of said last mentioned money, in purchasing said bonds before maturity. They shall, once in each year, make a settlemen- of their accounts with the presiding judge in the same manner that administrators and guardians are required to settle, and the same shall be recorded in a book to be kept for that purpose. The presiding judge shall, at each annual settlement, allow said commissioners a reasonable compensation for their services, to be paid out of the money in their hands; said judge shall receive the sum of three dollars for making each settlement, to be paid in like manner.

§ 8. Any Commissioner of the Sinking Fund may be removed by the presiding judge, for good cause shown, upon ten days' notice; and in case of such removal, or in case of vacancy from any other cause, the presiding judge shall fill the same by appointment. It shall be the duty of the presiding judge to see that the surety furnished by the said commissioners is at all times sufficient; and he shall, whenever applied to by the county attorney or any tax-payer, make inquiry concerning the solvency or sufficiency of any surety, and shall forthwith remove any commissioner who fails or refuses to furnish new or additional security when required.

§ 9. A majority of the justices of the peace in commission in said county shall constitute a quorum to transact business under this act; and in case of the absence of the presiding judge, they shall elect one of their number to preside. The failure or omission of the presiding judge or justices of the peace to perform any act, or enter any order, at the time the same is herein required to be performed or entered, shall not avoid any proceding herein authorized or required; but such act may be performed, and such order entered, at any subsequent time, with the same effect as if there had been no such failure or omission.

§ 10. When said railway shall pass through any election precinct, in any of the counties named in the first section of this act, any ten residents and owners of property assessed for taxation for State revenue purposes in said precinct shall make application in writing, to the presiding judge of the county court, it shall be the duty of said judge to cause the justices of the peace for said precinct or precincts to be summoned, as directed in the first section of this act; and when so assembled they may make an order, submitting to the qualified voters of such precinct the

question of raising by taxation, and the issue of bonds, such sum as may be necessary to pay for the right of way and for depot grounds in said precinct for said railway. Said election shall be held, the result ascertained, the same proceedings had, by the same persons and officers as required by this act for submitting said question to the vote of the county. Said court shall appoint Commissioners of the Sinking Fund, levy and cause to be collected the tax, and do all other things as is required by this act in cases where counties vote a tax under this act. If bonds shall be issued for any precinct under this act, said judge, in addition to the other things required by this act, shall specify in said bond the number and name of the precinct. The purpose and meaning of this section is hereby declared to be, that if said railway shall pass through any precinct in any of the counties named in this act, and such county shall not submit the question stated in this act to the people of the county, then said question may be submitted to a vote of the people in such election precinct; and said election, and all proceedings thereunder, shall be in accordance with the provisions of this act.

§ 11. The provisions of this act shall not apply to, or operate upon, the third legislative district of the county of Kenton.

§ 12. This act shall take effect and be in force from and after its passage.

The question was then taken on the adoption of the first amendment proposed by the committee, and it was decided in the affirmative.

The amendment is as follows, viz:

Strike out all after the word "that," in the 8th line of the preamble, down to and including the word "procuring," in the 9th line, and insert the words "said counties shall be authorized to purchase and lease to said trustees."

The yeas and nays being required thereon by Messrs. Wm. Johnson and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	W. W. Frazer,	A. L. McAfee,
James F. Clay,	John J. Gatewood,	O. D. McManama,
John E. Cooper,	Jesse C. Gilbert,	Alfred T. Pope,
William P. Duvall,	H. S. Hale,	W. H. Sneed,
W. McKee Fox,	A. L. Martin,	A. G. Talbott—15.

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	K. F. Prichard,
R. A. Burton,	J. B. Haydon,	W. L. Vories,
Wm. L. Conklin,	G. A. C. Holt,	Ben. J. Webb,
J. H. Dorman,	I. L. Hyatt,	Emery Whitaker—14.
D. R. Haggard,	William Johnson,	

The 2d amendment is as follows, viz:

Strike out the word "providing," in the 9th line of the preamble.

Which was adopted.

The 3d amendment is as follows, viz:

Strike out the words "should be raised by each of said counties,' in the 9th and 10th lines of the preamble.

Which was adopted.

The 4th amendment is as follows, viz:

Strike out all after the word "of," in the 2d line of the 2d section, down to and including the word "grounds," in the 6th line, and insert the words "or against the tax authorized by the act of the General Assembly, approved on the day of , 1873" (the date of the approval of this act to be inserted).

Which was adopted.

The 5th amendment is as follows, viz:

After the word "way," in the 10th line of the 2d section, insert the words "and depot grounds."

Which was adopted.

The 6th amendment is as follows, viz:

After the word "way," in the 13th line of said section, insert the words "and depot grounds."

Which was adopted.

The 7th amendment is as follows, viz:

Strike out the words "and its construction actually commenced therein," in the 2d line of the 5th section.

Which was adopted.

The 8th amendment is as follows, viz:

Strike out the whole of the 11th section, and insert the following: "That upon the payment of the money to the owner of the land as hereinbefore provided for, the title to such land shall vest in the county; and the Commissioners of the Sinking Fund for the county shall have power and authority to lease the same to the Trustees of the Cincinnati Southern Railway, upon such terms and conditions as may be agreed upon; but no such lease shall continue for a longer period than ninety-nine years; and whenever the said trustees, or their successors or assigns, or lessees, shall cease to use the said lands for the purposes hereinbefore specified, the same shall at once, without notice or demand, revert to the said counties in fee simple."

Mr. Prichard then moved to amend said amendment as follows, viz:

After the word "railway," and before the word "upon," insert the words "or other railway company."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Prichard and McManama, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	K. F. Prichard,
R. A. Burton,	D. R. Haggard,	W. L. Vories,
Wm. L. Conklin,	Edwin Hawes,	Ben. J. Webb,
J. H. Dorman,	Wm. Johnson,	Emery Whitaker—14.
W. W. Frazer,	Alfred T. Pope,	

Those who voted in the negative, were—

James F. Clay,	Jesse C. Gilbert,	A. L. Martin,
G. W. Connor,	H. S. Hale,	A. L. McAfee,
John E. Cooper,	J. B. Haydon,	O. D. McManama,
F. W. Darby,	G. A. C. Holt,	W. H. Sneed,
William P. Duvall,	I. L. Hyatt,	A. G. Talbott—16.
W. McKee Fox,		

The 8th amendment was then adopted.

Mr. Haydon then moved to reconsider the vote by which said amendment had been adopted.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	I. L. Hyatt,
R. A. Burton,	D. R. Haggard,	Wm. Johnson,
Wm. L. Conklin,	H. S. Hale,	K. F. Prichard,
J. H. Dorman,	Edwin Hawes,	W. L. Vories,
W. McKee Fox,	J. B. Haydon,	Ben. J. Webb,
W. W. Frazer,	G. A. C. Holt,	Emery Whitaker—18.

Those who voted in the negative, were—

E. P. Campbell,	William P. Duvall,	O. D. McManama,
James F. Clay,	Jesse C. Gilbert,	Alfred T. Pope,
John E. Cooper,	A. L. Martin,	W. H. Sneed,
F. W. Darby,	A. L. McAfee,	A. G. Talbott—12.

Mr. Haydon then moved to reconsider the vote by which the amendment proposed by Mr. Prichard had been rejected.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McManama and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	Wm. Johnson,
R. A. Burton,	H. S. Hale,	K. F. Prichard,
Wm. L. Conklin,	Edwin Hawes,	W. L. Vories,
J. H. Dorman,	J. B. Haydon,	Ben. J. Webb,
W. W. Frazer,	I. L. Hyatt,	Emery Whitaker—15.

Those who voted in the negative, were—

E. P. Campbell,	William P. Duvall,	A. L. McAfee,
James F. Clay,	W. McKee Fox,	O. D. McManama,
Harrison Cockrill,	Jesse C. Gilbert,	Alfred T. Pope,
G. W. Connor,	G. A. C. Holt,	W. H. Sneed,
John E. Cooper,	A. L. Martin,	A. G. Talbott—16.
F. W. Darby,		

The question was then taken on the adoption of the 8th amendment, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. W. Johnson and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	J. H. Dorman,	A. L. McAfee,
James F. Clay,	William P. Duvall,	O. D. McManama,
Harrison Cockrill,	W. McKee Fox,	Alfred T. Pope,
G W. Connor,	Jesse C. Gilbert,	W. H. Sneed,
John E. Cooper,	A. L. Martin,	A. G. Talbott—16.
F. W. Darby,		

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	K. F. Prichard,
R. A. Burton,	J. B. Haydon,	W. L. Vories,
W. W. Frazier,	I. L. Hyatt,	Ben. J. Webb,
D. R. Haggard,	Wm. Johnson,	Emery Whitaker—13.
H. S. Hale,		

The 9th amendment is as follows, viz:

Amend by striking out the tenth (10th) section.

Which was adopted.

The 10th amendment is as follows, viz:

Amend the title so as to read: "An act to authorize certain counties in this Commonwealth to purchase land for a right of way and depot grounds, and lease the same to the trustees of the Cincinnati Southern Railway."

Which was adopted.

Said bill was then amended as follows, viz:

Section 6, line 4, strike out all afer the word "dollars," in said section.

Mr. Talbott then moved to amend said bill as follows, viz:

Section 2, line 14, after the word "upon," strike out the words "the taxable property," and insert in lieu thereof the words "all property, real and personal."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	F. W. Darby,	A. L. McAfee,
James F. Clay,	William P. Duvall,	Alfred T. Pope,
G. W. Connor,	Edwin Hawes,	A. G. Talbott—11.
John E. Cooper,	A. L. Martin,	

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	Wm. Johnson,
R. A. Burton,	D. R. Haggard,	K. F. Prichard,
Wm. L. Conklin,	H. S. Hale,	W. H. Sneed,
J. H. Dorman,	J. B. Haydon,	W. L. Vories,
W. W. Frazer,	G. A. C. Holt,	Ben. J. Webb,
John J. Gatewood,	I. L. Hyatt,	Emery Whitaker—18.

Mr. Frazer then moved to amend said bill as follows, viz:

Section one, line twelve, strike out the words "qualified voters," and insert in lieu thereof the words "all voters assessed for tax for revenue purposes."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Talbott and Campbell, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	William Johnson,
R. A. Burton,	John J. Gatewood,	A. L. Martin,
E. P. Campbell,	Jesse C. Gilbert,	A L. McAfee,
James F. Clay,	D. R. Haggard,	O. D. McManama,
G. W. Connor,	H. S. Hale,	K. F. Prichard,
F. W. Darby,	Edwin Hawes,	W. L. Vories,
J. H. Dorman,	J. B. Haydon,	Ben. J. Webb,
William P. Duvall,	G. A. C. Holt,	Emery Whitaker—25.
W. McKee Fox,		

Those who voted in the negative, were—

Wm. L. Conklin,	Alfred T. Pope,	A. G. Talbott—5.
John E. Cooper,	W. H. Sneed,	

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Talbott and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	William P. Duvall,	O. D. McManama,
James F. Clay,	W. McKee Fox,	Alfred T. Pope,
Harrison Cockrill,	John J. Gatewood,	W. H. Sneed,
G. W. Connor,	Jesse C. Gilbert,	A. G. Talbott,
John E. Cooper,	A. L. Martin,	John G. Carlisle—17.
F. W. Darby,	A. L. McAfee,	

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	William Johnson,
R. A. Burton,	Edwin Hawes,	K. F. Prichard,
Wm. L. Conklin,	J. B. Haydon,	W. L. Vories,
J. H. Dorman,	G. A. C. Holt,	Ben. J. Webb,
W. W. Frazer,	I. L. Hyatt,	Emery Whitaker—16.
D. R. Haggard,		

Resolved, That the title of the bill be amended to read,

An act to authorize certain counties in this Commonwealth to purchase land for a right of way and depot grounds and lease the same to the trustees of the Cincinnati Southern Railway.

Mr. Gatewood then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was simply entered.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act to incorporate the Louisville Rolling Mill Company," approved February 28, 1850.

An act to amend an act, entitled "An act to amend the charter of the Bank of Ashland, and incorporate the Bank of Shelbyville," approved February 24th, 1869.

An act to amend the charter of the Citizens' Passenger Railway Company, of Louisville.

An act for the benefit of T. A. Leper, jailer of Livingston county.

An act to empower the Grayson county court to levy an additional tax to build a new jail.

An act for the benefit of T. P. Cardwell, of Breathitt county.

An act to change the boundary line of the city of Columbus.

An act to incorporate the Central University.

An act to provide for a March term of the Jessamine quarterly court.

Mr. Gilbert moved the following resolution, viz:

Resolved, That the Clerk of the Senate do now, or at his earliest convenience, report to the House of Representatives the chapters of the report of the Joint Committee on Revision which have been adopted by the Senate, and that he shall hereafter report to the House the chapters adopted by the Senate as soon thereafter as he can have the same ready for report.

Which was adopted.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend the articles of incorporation of the People's Building and Loan Association of Louisville.

Pending the consideration of which, the Senate adjourned.

FRIDAY, MARCH 7, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing their disagreement to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of Miss Blankenship, of Cumberland county.

A message was also received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, of the following title, viz:

An act for the benefit of the Kentucky Institution for the Education of the Blind.

That they had passed bills of the following titles, viz:

1. An act for the benefit of J. T. Freeman, of Whitley county.
2. An act for the benefit of John H. Pemberton, of Whitley county.
3. An act to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum."
4. An act for the benefit of Rockcastle county.
5. An act to repeal an act, entitled "An act to amend an act, entitled 'An act to charter the Crab Orchard and Crew's Knob Turnpike Company,'" approved March 20th, 1872.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 2d to the Committee on Claims; the 3d to the Committee on Charitable Institutions; the 4th to the Committee on Courts of Justice, and the 5th to the Committee on Internal Improvement.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the Lewis county court.

An act for the benefit of the city of Louisville.

An act for the benefit of James R. Garland, of Lewis county.

An act to prohibit the sale of spirituous liquors in the town of Caverna.

An act for the benefit of the Baptist Church of Midway, in Woodford county.

An act to authorize the clerk of the circuit court of Madison county to procure index books, and to index and cross-index equity and ordinary suits off the docket on file in his office.

An act to establish an academy in the town of Germantown, in Bracken and Mason counties,

The following petitions were presented, viz:

By Mr. Talbott—

1. The petition of W. H. Kimberlin, of Washington county, praying the passage of an act to appropriate money to indemnify him for services rendered and property destroyed during the late civil war.

By same—

2. The petition of C. E. and Wm. Bowman, praying the passage of an act to amend an act and reduce the tax on itinerant theatrical performances.

By Mr. Pope—

3. The petition of the Board of Trade of Louisville, praying the passage of an act for their benefit.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Claims; the 2d to the Committee on Revised Statutes and Codes of Practice, and the 3d to the Committee on the Judiciary.

Leave was given to bring in the following bills, viz:

On motion of Mr. Cooper—

1. A bill for the benefit of W. S. Adams, of Magoffin county.

On motion of same—

2. A bill for the benefit of Mason Gullett, of Magoffin county.

On motion of same—

3. A bill for the benefit of Davidson Davis, of Elliott county.

On motion of Mr. Whitaker—

4. A bill for the benefit of William Paul, William Dayton, and Milton Humble, of Robertson county.

Ordered, That the Committee on Military Affairs prepare and bring in the 1st; the Committee on Religion and Morals the 2d and 3d, and the Committee on Finance the 4th.

Mr. Gilbert, from a select committee, reported a bill, entitled

A bill to regulate the sale of spirituous or other intoxicating liquors.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be printed, and made the special order of the day for Tuesday next, the 11th inst.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the River Transportation Company.

An act to re-enact and amend the charter of the Paducah and Tennessee Railroad Company.

An act to incorporate the General Association of Colored Baptists in Kentucky.

An act for the benefit of school district No. 19, in Kenton county.

An act to amend an act, entitled "An act to incorporate the Second Presbyterian Church of the city of Louisville."

An act for the benefit of A. C. Bowman, late sheriff of Breathitt county, and his sureties.

An act for the benefit of Mary Ann Pecantet's heirs, of Graves county.

An act for the benefit of the Lagrange and Shelbyville Turnpike Road Company.

An act to authorize the Pike county court to issue bonds for court-house and other purposes.

An act to incorporate the Spring Station Railway Company.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend the articles of incorporation of the People's Building and Loan Association of Louisville.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	J. B. Haydon,
Harrison Cockrill,	John J. Gatewood,	I. L. Hyatt,
G. W. Connor,	Jesse C. Gilbert,	Alfred T. Pope,
John E. Cooper,	D. R. Haggard,	W. H. Sneed,
F. W. Darby,	H. S. Hale,	Ben. J. Webb—16.
J. H. Dorman,		

Those who voted in the negative, were—

R. A. Burton,	Edwin Hawes,	K. F. Prichard,
Wm. L. Conklin,	G. A. C. Holt,	A. G. Talbott,
W. W. Frazer,	William Johnson,	Emery Whitaker—9.

Resolved, That the title of said bill be as aforesaid.

Mr. Haydon then moved to reconsider the vote by which said bill had passed.

Mr. Pope moved to lay said motion on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Talbott and Vories, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. Martin,
Harrison Cockrill,	D. R. Haggard,	A. L. McAfee,
Wm. L. Conklin,	H. S. Hale,	Alfred T. Pope,
John E. Cooper,	Edwin Hawes,	K. F. Prichard,
J. H. Dorman,	I. L. Hyatt,	W. H. Sneed,
William P. Duvall,	William Johnson,	Ben. J. Webb—19.
John J. Gatewood,		

Those who voted in the negative, were—

R. A. Burton,	J. B. Haydon,	W. L. Vories,
F. W. Darby,	G. A. C. Holt,	Emery Whitaker—8.
W. W. Frazer,	A. G. Talbott,	

Mr. Barlow moved that a committee be appointed, to act in conjunction with a similar committee to be appointed on the part of the House of Representatives, whose duty it shall be to wait upon the

Governor and ask leave to withdraw a bill, which originated in the House of Representatives, entitled

An act for the organization of the public schools in the town of Clayville, in Webster county.

Which was granted, and Messrs. Barlow and Gatewood appointed said committee on the part of the Senate.

The Senate took up for consideration a bill, entitled

A bill to suppress lawlessness in this Commonwealth.

Various amendments were proposed to said bill.

On motion,

Ordered, That the further consideration of said bill be postponed until to-morrow at half-past ten o'clock, A. M.

Mr. Haggard, from the Committee on Internal Improvement, to whom was referred a resolution, which originated in the House of Representatives, entitled

Resolution directing an inquiry into the condition and management of the Kentucky River Navigation Company,

Reported the same, with the expression of opinion that said resolution should be concurred in.

And the question being taken on concurring therein, it was decided in the affirmative.

Mr. Gilbert moved the following resolutions, viz:

1. *Resolved*, That on and after March 7th, 1873, the Senate shall meet at 9 o'clock, A. M., and adjourn at half-past one o'clock, P. M., on each legislative day, and, except on Saturdays, no motion or business other than the report of the Joint Committee on the Revision of the Statutes, or the consideration of general laws, shall be in order or entertained between the hours of half-past ten o'clock, A. M., and half-past one o'clock, P. M., except by unanimous consent.

2. *Resolved*, That debate shall be limited to ten minutes, and no member shall speak longer without unanimous consent.

Which were adopted.

Mr. Whitaker moved the following resolution, viz:

Resolved, That the Speaker of the Senate appoint a committee, consisting of two Senators, to call on the Secretary of State and procure from him a copy of all the general acts passed at the present session of the General Assembly, for the use of the Joint Committee on the Revision of the Statutes.

Which was adopted.

Mr. McAfee read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

WHEREAS, Competent Commissioners were appointed by the Governor and Judges of the Court of Appeals of this Commonwealth for the purpose of revising the Statutes of Kentucky; and whereas, said Commissioners have indicated to this General Assembly their readiness to report their work complete to this adjourned session of the Legislature; and whereas, a joint committee of seventeen qualified lawyers have been appointed to examine and report upon the labors of said Commissioners; therefore, looking to an early adjournment of this Legislature, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the report of said committee shall be received and acted upon in detail by chapters as reported, without debate in either branch of this General Assembly, except ten minutes to any member, for the presentation of his views.

Which was adopted.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend the revenue laws of this Commonwealth,

Together with the amendments proposed by the Committee on Finance; also the amendment proposed by Mr. Hale as a substitute for said bill and proposed amendments.

The original bill reads as follows, viz:

WHEREAS, The Auditor's report shows that the total redeemable bonded indebtedness of the State, on the 10th day of October, 1872, was only nine hundred and sixty-six thousand three hundred and ninety-four dollars ($966,394), of which sum, six hundred and thirty-nine thousand three hundred and ninety-four dollars ($639,394) is either due, or is falling due, during the year 1873 (including the two hundred thousand dollars ($200,000) of eight per cent. bonds, which were redeemable on the 13th day of February, 1873, at the pleasure of the State); and whereas, the same report shows, that, at the same date, there was in the treasury to the credit of the Sinking Fund, and loaned to banks on short time, the sum of one million six hundred and ninety-one thousand nine hundred and ninety-one dollars and eighty cents ($1,691,991 80), with which to pay said bonded indebteness of nine hundred and sixty-six thousand three hundred and ninety-four dollars; and whereas, it appears from the report of the Commissioners of the Sinking Fund, of February 26th, 1873, that the sum of two hundred and seventy-five thousand dollars ($275,000) (including the two hundred thousand dollars ($200,000) of eight per cent. bonds, which were redeemable on the 13th day of February, 1873, at the pleasure of the State) has been paid off since the date of the Auditor's said report of the 10th of October, 1872, leaving a balance of the redeemable bonded indebtedness of the State of only six hundred and ninety-one thousand three hundred and ninety-four dollars ($691,394) remaining unpaid; and whereas, it appears from the report of the Auditor that the present resources of the Revenue Proper are not adequate to pay the necessary current expenses of the State: now, for the purpose of increasing said resources, and at the same time providing amply and securely for the payment of the entire redeemable bonded indebtedness of the State set forth above,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Commissioners of the Sinking Fund are authorized and directed to invest so much of the means at their command, and under their control, in five-twenty gold-bearing interest bonds of the United States, as may be amply and fully sufficient to redeem the whole amount of the redeemable bonded indebtedness of the State, with the interest thereon, not exceeding one million of dollars in amount, and not less than three hundred and fifty thousand dollars; which said bonds, when purchased, shall be held by said Commissioners solely and exclusively for the purpose for which they are directed to be purchased; and they shall not be sold or otherwise used or disposed of than herein provided. The said Commissioners may, however, in their discretion, for purposes of safety and convenience, deposit said bonds in any one of the chartered banks of this State, or in the Bank of America in the city of New York.

§ 2. That it shall be the duty of the Commissioners of the Sinking Fund, when they have fully complied with and executed the first section of this act, to notify the Auditor of Public Accounts of that fact, and direct him to transfer to the Revenue Department all the remaining resources of the Sinking Fund, except so much thereof as may be necessary to pay the interest on the school debt for that year, if there be any such interest due or becoming due; and it shall be the duty of the Auditor, upon receiving said notice, to make the required transfer; and he shall, during each succeeding year thereafter, continue to pay all of the present resources of the Sinking Fund which may be collected, from time to time, into the Revenue Department, except the five cents on each one hundred dollars of the taxable property of the State now collected by law for Sinking Fund purposes. This last amount shall continue to be paid into the Treasury to the credit of the Sinking Fund as now required by law, and shall be kept as a sacred fund to pay the accruing interest on the school debt.

§ 3. This act shall be in force and effect from its passage.

The amendments proposed by the committee read as follows, viz:

Amend said bill by adding the following additional section:

§ 3. That the Commissioners of the Sinking Fund are hereby directed to pay off the indebtedness of the State as speedily as possible, compatible with the interest of the State.

Change section 3 of said bill to section 4.

The amendment proposed by Mr. Hale as a substitute reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Commissioners of the Sinking Fund are authorized and directed to deposit at interest, in the banks in this State, State or National, as provided for by act approved March 24th, 1872, entitled "An act to amend an act to authorize the Commissioners of the Sinking Fund to contract with State banks for interest on State deposits, approved March 2, 1865," so much of the means at their command, and under their control, as may be amply and fully sufficient to redeem the whole amount of the redeemable bonded indebtedness of the State, with the interest thereon, not exceeding eight hundred thousand dollars in amount, and not less than seven hundred thousand dollars; which said amount of the assets of the Sinking Fund, when so deposited, shall be held or set apart under the control of said Commissioners, solely and exclusively for the purpose of paying or redeeming said bonds as fast as they may fall due, or sooner if

they can be procured at a premium of not more than five per cent.: *Provided*, That no premium shall be paid on any part of said bonds which may fall due in the year 1873, and not exceeding five per cent. on any portion of said bonds which may fall due in or after the year 1874.

§ 2. That it shall be the duty of the Commissioners of the Sinking Fund, when they have deposited the funds, as provided for in the foregoing section of this act, to notify the Auditor of Public Accounts of that fact, and direct him to transfer to the Revenue Department all the remaining resources of the Sinking Fund, except so much thereof as may be necessary to pay the interest on the school debt for that year, if there be any such interest due or becoming due; and it shall be the duty of the Auditor, upon receiving said notice, to make the required transfer; and he shall, during each succeeding year thereafter, continue to pay all of the present resources of the Sinking Fund, which may be collected from time to time, into the Revenue Department, except the five cents on each one hundred dollars of the taxable property of the State now collected by law for Sinking Fund purposes. This last amount shall continue to be paid into the Treasury to the credit of the Sinking Fund, as now required by law, and shall be kept as a sacred fund to pay the accruing interest on the school debt.

§ 3. That it shall be the duty of the Commissioners of the Sinking Fund, when they have agreed among themselves what premium they will offer on said bonded indebtedness of the State, not exceeding the restriction in the first section of this act, to advertise in the Louisville Courier-Journal, and in the New York Herald, for a term of not less than six months, that they will, on a given day to be fixed by them, not exceeding twelve months after the passage of this act, pay to the holder or holders of said bonds such premium on the said bonded indebtedness of the State as they may agree upon in accordance with this act, at the city of Frankfort in the State of Kentucky, or at the Bank of America in the city of New York; and they may make the said Bank of America their agent to take up said bonds at the premiums offered respectively by them.

§ 4. If, after the expiration of twelve months after the passage of this act, the said bonded indebtedness of the State maturing after the year 1876, or any part thereof, has not been presented by the holders thereof for payment or redemption as provided for by this act, then it shall be the duty of said Sinking Fund Commissioners, and they are hereby directed, to invest so much of the means deposited, as provided for in the first section of this act, in five-twenty gold-bearing interest bonds of the United States, as may be amply and fully sufficient to redeem the whole amount of the redeemable bonded indebtedness of the State falling due after the year 1876, and the interest thereon, not exceeding two hundred thousand dollars in amount, and not less than the amount of said bonds last named, which may at that time be unredeemed, and ten per cent. thereon; which said bonds, when purchased, shall be held by said Commissioners solely and exclusively for the purpose for which they are directed to be purchased; and they shall not be sold or otherwise used or disposed of than herein provided. The said Commissioners may, however, in their discretion, for purposes of safety and convenience, deposit said bonds in any one of the chartered banks of this State, or in the Bank of America in the city of New York; and they shall have all the said bonds purchased by them registered in the proper office in the name and for the Commonwealth of Kentucky.

§ 5. This act shall take effect from its passage.

Mr. Gilbert then moved to amend the substitute by striking out the 4th section.

And the question being taken thereon, it was decided in the negative.

Mr. Prichard then moved to amend the substitute by striking out the 3d section, and inserting in lieu thereof the following, viz:

The Commissioners of the Sinking Fund are hereby directed to pay off the indebtedness of the State as speedily as possible compatible with the interest of the State.

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the substitute, as amended, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Prichard and Hale, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Wm. P. Duvall,	G. A. C. Holt,
Harrison Cockrill,	John J. Gatewood,	Wm. Johnson,
John E. Cooper,	Jesse C. Gilbert,	A. L. McAfee,
F. W. Darby,	H. S. Hale,	A. G. Talbott—12.

Those who voted in the negative, were—

R. A. Burton,	Edwin Hawes,	K. F. Prichard,
Wm. L. Conklin,	J. B. Haydon,	W. H. Sneed,
J. H. Dorman,	I. L. Hyatt,	W. L. Vories,
W. McKee Fox,	A. L. Martin,	Ben. J. Webb,
W. W. Frazer,	Alfred T. Pope,	Emery Whitaker—16.
D. R. Haggard,		

Mr. Gilbert then moved to amend the amendment proposed by the committee as follows, viz:

Add to the 3d section of the bill the following: "And they shall have all the said bonds purchased by them registered in the proper office in the name and for the Commonwealth of Kentucky."

Which was adopted.

The question was then taken on the adoption of the amendment, as amended, and it was decided in the affirmative.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

And then the Senate adjourned.

SATURDAY, MARCH 8, 1873.

In the absence of the regular Speaker, Hon. Wm. Johnson was chosen Speaker *pro tempore*, and took the chair.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend an act to incorporate the Cumberland and Ohio Railroad Company.

A message was also received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, of the following title, viz:

An act for the benefit of O. P. Shackelford, tax collector for Edmonson county, and his securities.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to change the time of holding the circuit courts in the 9th judicial district.

An act to authorize the county court of Cumberland county to establish ferries across Cumberland river, in said county.

That they had passed bills of the following titles, viz:

1. An act to incorporate the town of Hickory Grove, in Graves county.

2. An act to provide for the collection of delinquent taxes in Marion county.

3. An act to incorporate the Lebanon and Pope's Creek Turnpike Road Company.

4. An act for the benefit of the heirs of Squire Jones, of Henry county.

5. An act for the benefit of Solomon Downey, pauper idiot, of Henry county.

6. An act to incorporate the town of Pryorsburg, in Graves county.

7. An act in relation to the Seminary fund in Graves county.

8. An act to add Graves county to the common pleas district in the 1st judicial district, and to provide for chancery terms of said common pleas court in said county.

9. An act for the benefit of school district No. 5, in Ballard county.

10. An act to amend the charter of the South Kentucky Railway Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 6th, and 8th to the Committee on Courts of Justice; the 2d, 4th, and 7th to the Committee on the Judiciary; the 3d to the Committee on Internal improvement; the 5th to the Committee on Claims; the 10th to the Committee on Railroads, and the 9th was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, March 7, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

James P. Harbison, Jefferson county.
J. S. Cralle, Jefferson county.
Russell B. Wheeler, Jefferson county.
John T. Sandifer, Henderson county.
Eli H. Brown, Daviess county.
W. W. Pierson, Union county.
J. M Robb, Boyd county.
George Bryan, Adair county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

Mr. Whitaker presented the petition of sundry citizens of Mason county, praying for the passage of a law to prevent stock from running at large in said county.

Which was received, the reading dispensed with, and referred to the Committee on Internal Improvement.

Mr. Gilbert, from the Committee on Courts of Justice, to whom was referred leave to bring in a bill, entitled

A bill to establish an additional justices' district in Bath county,

Asked to be discharged from the further consideration of the leave.

Which was granted.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

1. A bill for the benefit of the jailer of Fayette county.

By Mr. Whitaker, from the Committee on Courts of Justice—

2. A bill to fix the compensation of the county judges of this Commonwealth.

By Mr. Darby, from the Committee on Courts of Justice—

3. A bill to amend the charter and laws of the town of Bellview, in Campbell county.

By Mr. Pope, from the Committee on the Judiciary—

4. A bill for the protection of counties, cities, &c., subscribing stock in railroads, turnpikes, and other improvements.

By Mr. Talbott, from the Committee on Railroads—

5. A bill to amend the charter of the Spring Station Railway Company.

By Mr. Webb, from the Committee on Religion and Morals—

6. A bill to amend an act, entitled "An act to incorporate the Louisville Orphans' Home Society," approved February 26th, 1849.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

7. A bill to incorporate the Maysville Manufacturing Association.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was ordered to be printed, and placed in the orders of the day; the 4th was ordered to be printed, and made the special order of the day for Wednesday next, the 12th inst., and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Sneed, from the Committee on Finance, to whom was referred leave to bring in a bill, entitled

A bill for the benefit of the sheriffs of this Commonwealth,

Asked to be discharged from the further consideration of the leave.

Which was granted.

Ordered, That said leave be referred to the Committee on Courts of Justice.

Indefinite leave of absence was granted Mr. Holt.

The Senate, according to order, took up for consideration a bill, entitled

A bill to suppress lawlessness in this Commonwealth.

Mr. Sneed withdrew the amendments proposed by him to said bill on yesterday, and proposed sundry other amendments in lieu thereof.

Ordered, That said amendments, together with the amendment proposed by Mr. Cooper, now pending, be printed, and that said bill and proposed amendments be made the special order of the day for Tuesday next, the 11th inst.

The Speaker appointed Messrs. Haggard and Cockrill as a committee on the part of the Senate, to act with a similar committee, to be appointed on the part of the House of Representatives, to make certain inquiries concerning the Kentucky River Navigation Company, and the management of the improvements on said river, in accordance with the joint resolution adopted by the two Houses directing said inquiries to be made.

The Speaker also appointed Messrs. Whitaker and Holt a committee to wait upon the Secretary of State, and direct him to have prepared for the use of the Joint Committee on the Revision of the Statutes all the general laws passed at the present session of the General Assembly, as directed by the resolution to that effect adopted by the Senate on yesterday.

Mr. McManama moved to reconsider the vote by which the Senate had rejected a bill, entitled

A bill to protect the public buildings in the city of Frankfort and its vicinity, belonging to the State.

Which motion was simply entered.

Mr. Pope, from the Committee on the Judiciary, reported a bill, entitled

A bill for the benefit of the Louisville Board of Trade.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That any real estate held by the Louisville Board of Trade in the city of Louisville, by purchase in fee simple or by lease, not exceeding 100 by 200 feet in area, and any improvements thereon, shall be, and are hereby, exempted from all State taxes, so long as such property shall be occupied by said Board of Trade for the purposes contemplated in its organization.

§ 2. And the General Council of the city of Louisville is authorized to exempt such property so held and occupied from all taxes authorized to be levied by said General Council of said city of Louisville.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hawes and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

Harrison Cockrill,	G. A. C. Holt,	K. F. Prichard,
John E. Cooper,	William Johnson,	A. G. Talbott,
F. W. Darby,	A. L. Martin,	W. L. Vories,
John J. Gatewood,	O. D. McManama,	Ben. J. Webb,
Jesse C. Gilbert,	Alfred T. Pope,	Emery Whitaker—15.

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	Edwin Hawes,
Wm. L. Conklin,	D. R. Haggard,	W. H. Sneed—8.
J. H. Dorman,	H. S. Hale,	

Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Frazer, from the Committee on Banks and Insurance—

An act to amend an act, entitled "An act to incorporate the Bank of Trenton, in Todd county," approved March 25th, 1872.

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to amend the charter of the Louisville Baptists' Orphans' Home.

By Mr. Talbott, from the Committee on Railroads—

An act to amend the charter of the Louisville and Nashville Railroad Company.

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of Samuel Jones, committee of Wm. Jones, an idiot, of Clinton county.

By same—

An act for the benefit of E. G. Walls, committee of Sarah Jane Walls, a pauper idiot, of Lincoln county.

By same—

An act for the benefit of Pauline J. Chaney, an idiot, of Graves county.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to repeal the 202d, 203d, 204th, 205th, 206th, and 207th sections of the city charter of Paducah, in McCracken county.

By same—

An act to regulate the jurisdiction of the circuit court and court of common pleas of Union and Henderson counties.

By same—

An act to amend an act, entitled "An act authorizing the Harrison county court to appropriate money to aid in building a bridge across main Licking at Claysville, and to levy a tax therefor," approved March 21st, 1871.

By same—

An act to change a part of the eastern boundary of the town of Harrodsburg.

By same—

An act to legalize certain acts of the Mercer county court.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act legalizing certain proceedings of the Washington county court.

By Mr. Darby, from the Committee on Courts of Justice—

An act to provide for the transcribing in the county court clerk's office the original survey, plats, and certificates of Morgan county.

By same—

An act to change the time of holding quarterly courts in Menifee county.

By Mr. Holt, from the Committee on Courts of Justice—

An act authorizing the sale of the poor-house farm in Webster county.

By same—

An act empowering the Spencer county court to sell the old circuit and county court clerks' offices in said county.

By same—

An act to increase the county levy of Boyle county.

By Mr. Gatewood, from the Committee on Education—

An act to authorize the trustees of the Stanford Male and Female Seminary to sell part of their lands, and invest the proceeds.

By Mr. Frazer, from the Committee on Education—

An act to organize the Morganfield public school.

By Mr. Vories, from the Committee on Finance—

An act for the benefit of C. L. Howard, late sheriff of Harlan county.

By Mr. Haggard, from the Committee on Internal Improvement—

An act to charter the Elizabethtown and Middle Creek Turnpike Road Company.

By same—

An act for the benefit of the Middleburg and Liberty Turnpike Road Company.

By same—

An act to incorporate the Rodger's Mill and Hinkston Bridge Turnpike Road Company.

By same—

An act to amend the charter of the Springfield and Chaplin Turnpike Road Company.

By same—

An act to incorporate the Twelve Mile and California Turnpike Road Company, in Campbell county.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to amend an act, entitled "An act to amend an act to authorize the Shelby county court to issue bonds for the benefit of turnpike roads."

By same—

An act for the benefit of Elliott county.

By same—

An act to enlarge the corporate limits of the town of Monticello.

By same—

An act to authorize the Carter county court to levy an ad valorem tax for bridge purposes.

By same—

An act for the benefit of the county of Pulaski.

By same—

An act to authorize the county judge of Metcalfe county to

sell and convey the poor-house farm in said county, and reinvest the proceeds.

By same—

An act to incorporate the town of College Hill, in Madison county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act to amend an act, entitled "An act to provide for the improvement of the roads of Butler county," approved February 2d, 1872.

By same—

An act to allow the State agent at the Rio bridge, in Hart county, to make necessary improvements, not exceeding one hundred dollars in value.

By same—

An act authorizing Linus Greenwell, of the county of Nelson, to erect a fish-dam across the Beech Fork of Salt river, in Nelson county.

By same—

An act to protect fish in Sulphur Fork of Drake's creek, on the line between Simpson and Allen counties.

By same—

An act to protect birds and game in Bullitt county.

By same—

An act to prevent the destruction of fish in Cumberland river and its tributaries, above the falls of said river.

By same—

An act to define the line between the counties of Clay and Jackson.

By same—

An act to amend an act, entitled "An act to prevent and punish certain trespasses in Scott and Woodford counties," approved March 26th, 1872.

By same—

An act to re-enact and continue in force an act, entitled "An act for the benefit of A. W. Nickell, late sheriff of Johnson county, and his securities," approved February 3d, 1871.

By same—

An act to declare Middle creek and Bull creek, in Floyd county, navigable streams.

By Mr. Hawes, from the Committee on Religion and Morals—,

An act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county.

By Mr. Dorman, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous liquors in Monroe county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to amend an act, entitled "An act to charter the Young Men's Real Estate, Building, and Accumulating Association, of Louisville," approved March 28th, 1872.

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to incorporate the Masonic Temple Company, of Owensboro.

By Mr. Whitaker, from the Committee on Banks and Insurance—

An act to incorporate the Greenup Exchange Bank.

By Mr. Frazer, from the Committee on Banks and Insurance—

An act to incorporate the Bank of Madisonville.

By Mr. Hale, from the Committee on Finance—

An act for the benefit of W. E. Clelland, late sheriff of Mercer county.

By Mr. Haggard, from the Committee on Internal Improvement—

An act for the benefit of the New Liberty and Owenton Turnpike Road Company.

By same—

An act for the benefit of the New Liberty Branch Turnpike Road Company.

By same—

An act concerning the public roads in Hardin county.

By Mr. Pope, from the Committee on the Judiciary—

An act for the benefit of schools in New Castle, Henry county.

By Mr. Prichard, from the Committee on the Judiciary—

An act to incorporate the Ashland and Catlettsburg Street Railway and Transfer Company.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act declaring Wolf river a navigable stream.

By same—

An act to direct the running and marking the line between the counties of Franklin and Woodford.

With amendments to the last eleven named bills.

Which were adopted.

Ordered, That said bills, the eleven last named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Haggard, from the Committee on Internal Improvement, to whom had been referred the amendment proposed by the House of Representatives, to a bill which originated in the Senate, entitled

An act for the benefit of the Headquarters and Steel's Run Turnpike Road Company,

Reported the same, with the expression of opinion that said amendment should be concurred in.

And the question being taken thereon, it was decided in the affirmative.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

An act establishing a justices' district, and providing for the election of justices and a constable in Fern Leaf voting precinct, in Mason county;

By Mr. Whitaker, from the Committee on Courts of Justice—

An act to authorize Elisha Wallace, of McCracken county, to build a dam and erect a saw and grist mill on Clark's river, in McCracken county;

By Mr. W. Johnson, from the Committee on the Judiciary—

An act for the benefit of Nelson Bridges, of Kenton county;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Mr. Vories, from the Committee on Finance, to whom had been referred a bill from the House of Representatives, entitled

An act for the benefit of James Ficklin, sheriff of Bath county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor be instructed to draw his warrant on the Treasurer for the sum of one hundred and thirty-nine dollars and twenty-six cents, for the benefit of James Ficklin, sheriff of Bath county, to be paid out of any money in the Treasury not otherwise appropriated, the same being the amount of damages assessed against and collected from said Ficklin under the law for failing to pay in the revenue of the year 1871 by the 1st day of April, 1872.

§ 2. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the negative, not having received the constitutional majority.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	O. D. McManama,
Harrison Cockrill,	John J. Gatewood,	Alfred T. Pope,
G. W. Connor,	Jesse C. Gilbert,	K. F. Prichard,
John E. Cooper,	D. R. Haggard,	A. G. Talbott,
F. W. Darby,	G. A. C. Holt,	Ben. J. Webb,
J. H. Dorman,	A. L. Martin,	Emery Whitaker—19.
Wm. P. Duvall,		

Those who voted in the negative, were—

R. A. Burton,	Edwin Hawes,	W. H. Sneed,
Wm. L. Conklin,	Wm. Johnson,	W. L. Vories—7.
H. S. Hale,		

So said bill was disagreed to.

Mr. Sneed then moved to reconsider the vote by which said bill had been disagreed to.

Which motion was simply entered.

Mr. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill from the House of Representatives, entitled

An act to amend an act, entitled "An act to prevent the destruction of fish in the Kentucky river and its tributaries," approved March 13th, 1872.

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Vories then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was simply entered.

Leave was given to bring in the following bills, viz:

On motion of Mr. Cockrill—

1. A bill for the benefit of trustees of common schools of Powell county for the year ending June 30th, 1872.

On motion of Mr. Gilbert—

2. A bill for the benefit of J. C. Calhoon, late sheriff of McCracken county.

On motion of Mr. Pope—

3. A bill to amend the charter of the Irish Building and Loan Association.

On motion of Mr. Cooper—

4. A bill for the benefit of George W. Sewell, common school commissioner of Breathitt county.

Ordered, That the Committee on Education prepare and bring in the 1st and 4th; the Committee on Courts of Justice the 2d, and the Committee on Revised Statutes and Codes of Practice the 3d.

Mr. Sneed, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of J. G. Scott, sheriff of Metcalfe county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, Judgment was rendered against J. G. Scott, sheriff of Metcalfe county, by the Franklin circuit court, at its August term, 1872, in favor of the Commonwealth of Kentucky, for the sum of $2,584 62, the balance of the revenue due from said sheriff for the year 1871, together with $102 54, the interest thereon, and $516 92 damages; and whereas, said Scott has paid off and satisfied said judgment, including the taxes, the interest, and damages, and the same has been paid into the Treasury; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of the said J. G. Scott for the sum of $516 92, the damages paid by said Scott as aforesaid, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	Alfred T. Pope,
R. A. Burton,	John J. Gatewood,	K. F. Prichard,
Harrison Cockrill,	Jesse C. Gilbert,	W. H. Sneed,
Wm. L. Conklin,	D. R. Haggard,	A. G. Talbott,
John E. Cooper,	H. S. Hale,	W. L. Vories,
F. W. Darby,	G. A. C. Holt,	Emery Whitaker—20.
J. H. Dorman,	Wm. Johnson,	

In the negative, Edwin Hawes—1.

Resolved, That the title of said bill be as aforesaid.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to change and fix the time of holding the Hart circuit court;

An act to prevent the wanton destruction of fish in Crocus creek, in Cumberland county;

An act to prohibit the destruction of fish by traps and by seining and netting in the spawning season in Barren river and its tributaries, in Allen county;

An act to incorporate the St. Catherine's Convent of Sisters of Mercy;

An act for the benefit of Nancy Edwards, an idiot, of Lawrence county;

An act to amend an act incorporating the Merchants' Insurance Company, approved February 28th, 1860;

An act to authorize the sale of the Stamping Ground and Lecompt's Run Turnpike Road;

An act to amend and reduce into one the several acts in relation to the town of Danville;

An act to amend the title of an act, entitled "An act to amend an act, entitled 'An act to regulate the sale and storage of illuminating oils made from coal, petroleum, and other bituminous substances,'" approved February 24th, 1873;

An act to incorporate the trustees of the Baptist Female College of Liberty Association in the State of Kentucky;

An act to amend the charter of the Pulaski Agricultural and Mechanical Association;

An act to incorporate the Cairo and Tennessee River Railroad Company;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Columbus and Milburn Gravel and Plank Road Company;

An act for the benefit of John M. Hunley, committee of Henry Yarbro, an idiot;

An act to incorporate the Logan County Bank;

An act to incorporate the Russellville Banking and Warehouse Company;

An act to amend the charter of the city of Bowling Green;

An act to authorize the trustees of the Methodist Episcopal Church, South, of Cloverport, to sell certain church property;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

MONDAY, MARCH 10, 1873.

Hon. Wm. Johnson, presiding.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, of the following title, viz:

An act for the benefit of the town of Bell Point, in Franklin county.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of school district No. 5, in the county of Barren.

2. An act to exempt the property of the Danville Theological Seminary from taxation for certain purposes.

3. An act to amend an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association."

4. An act to incorporate the Board of Trustees of the Kentucky Annual Conference of the Methodist Episcopal Church.

5. An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville.

6. An act to amend the charter of the Manufacturers' Bank.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 5th to the Committee on Education; the 2d to the Committee on Charitable Institutions; the 3d to the Committee on Revised Statutes and Codes of Practice; the 4th to the Committee on Religion and Morals, and the 6th to the Committee on Banks and Insurance.

Mr. Pope presented the petition of the policy-holders of the Globe Mutual Life Insurance Company, praying the passage of an act for their benefit.

Which was received, the reading dispensed with, and referred to the Committee on Banks and Insurance.

Leave was given to bring in the following bills, viz:

On motion of Mr. Whitaker—

1. A bill to amend the charter of the city of Maysville.

On motion of same—

2. A bill to change the name of the Trayser Piano-forte Company, of Maysville.

On motion of Mr. Pope—

3. A bill for the benefit of the policy-holders in the Globe Mutual Life Insurance Company.

On motion of Mr. McManama—

4. A bill for the benefit of Polly Thornhill, of Grant county.

On motion of same—

5. A bill for the benefit of Lucy Childers, of Grant county.

On motion of Mr. Martin—

6. A bill to define the boundary line between the counties of Clay and Jackson.

On motion of same—

7. A bill for the benefit of J. R. Baker, sheriff of Perry county.

On motion of same—

8. A bill to change the time of holding county and quarterly courts in Floyd county.

On motion of Mr. Vories—

9. A bill for the benefit of the trustees of the Baptist Church at Bedford, in Trimble county.

On motion of same—

10. A bill for the benefit of the town of Eminence, in Henry county.

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st, 2d, 8th, 9th, and 10th; the Committee on Banks and Insurance the 3d; the Committee on Finance the 4th, 5th, and 7th, and the Committee on Propositions and Grievances the 6th.

Mr. Gilbert, from the Committee on Courts of Justice, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to add Graves county to the common pleas district in the 1st judicial district, and to provide for chancery terms of said common pleas court in said county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Whitaker, from the Committee on Courts of Justice—

A bill to amend the charter of the city of Maysville.

By same—

A bill to change the name of the Trayser Piano-forte Manufacturing Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Gilbert, from the Committee on Courts of Justice, reported a bill, entitled

A bill for the benefit of the sheriffs and collectors of State revenue and their sureties.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Hale moved to amend said bill by way of a substitute therefor.

Ordered, That said bill and proposed substitute be printed, and made the special order of the day for Wednesday next, the 12th inst.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz:

An act to incorporate the Bank of Lagrange;

And enrolled bills and a resolution, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Warren county;

An act for the benefit of R. N. Walker, late sheriff of Crittenden county;

An act to amend the articles of incorporation of the People's Building and Loan Association of Louisville;

An act for the benefit of Cold Spring school district, in Campbell county;

An act to incorporate the Dayton and Bellview Gas-light Company, in Campbell county;

An act to incorporate the Owensboro Masonic Mutual Relief Association;

An act for the benefit of the heirs of Horace Welford, deceased, of Virginia;

An act to authorize the sale and conveyance of the seminary property situated in the town of Mount Vernon, in Rockcastle county, and appropriate the proceeds arising therefrom to common school purposes for said county;

An act to provide for redistricting the school districts of the county of Madison;

An act for the benefit of the common schools in Bracken county;

An act for the benefit of O. P. Shackelford, tax collector for Edmonson county, and his securities;

An act to amend the charter of the Logan Female College Company;

An act to authorize the trustees of the Stanford Male and Female Seminary to sell part of their lands, and invest the proceeds;

An act for the benefit of E. G. Walls, committee of Sarah Jane Walls, a pauper idiot, of Lincoln county;

Resolution directing an inquiry into the condition and management of the Kentucky River Navigation Company;

And had found the same truly enrolled.

Said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Mr. Cooper, from the Committee on Propositions and Grievances, reported a bill, entitled

A bill to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March 16th, 1869.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

And pending the further consideration of said bill, the hour arrived for taking up the special order of the day, it being the report of the Joint Committee on the Revision of the Statutes.

Said report was taken up.

Mr. Wm. Johnson, from the joint committee, proposed to transfer from the chapter on Crimes and Punishments two sections, and add them to the first chapter of the revision, making them the seventh and eighth sections.

Which was adopted.

Mr. Haggard then moved to amend the seventh chapter, second section as follows, viz:

Strike out the words "nine thousand," the words with which the blank had been filled in the fifteenth line of said section by the joint committee, and insert the words "eleven thousand."

Mr. Vories then moved to amend said proposed amendment as follows, viz:

Amend section two, chapter —, by striking out, in the fourteenth line, the words "two thousand," and insert in lieu thereof the words "twenty-five hundred dollars;" and in the fifteenth line insert the following: "and the first, second, and third clerks shall receive each the sum of fifteen hundred dollars annually, and the fourth, fifth, sixth, seventh, and eighth the sum of twelve hundred dollars each;" and strike out all after the words "per annum," in the fifteenth line, down to, and including, the word "office," in the seventeenth line.

The question was then taken on the adoption of the amendment proposed by Mr. Vories, and it was decided in the affirmative.

The question was then taken on the adoption of the amendment proposed by Mr. Haggard, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hawes and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	Jesse C. Gilbert,	O. D. McManama,
Wm. L. Conklin,	D. R. Haggard,	W. H. Sneed,
F. W. Darby,	H. S. Hale,	A. G. Talbott,
J. H. Dorman,	Thomas F. Hargis,	W. L. Vories,
William P. Duvall,	William Johnson,	Ben. J. Webb,
W. McKee Fox,	A. L. Martin,	Emery Whitaker—19.
John J. Gatewood,		

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	Alfred T. Pope—5.
John E. Cooper,	J. B. Haydon,	

Mr. Hargis then moved to amend chapter one, section two, by adding thereto the following: "And such action may be maintained in the name of the female as in other civil actions."

And the question being taken thereon, it was decided in the negative.

Section sixteen of chapter thirteen was then stricken out.

The second section of said chapter was amended.

Mr. Cooper then moved to amend section two of article five of chapter nineteen, by striking out said section, which reads as follows, viz:

§ 2. The commissioners shall be elected by the presiding judge and justices of the peace of each county at the court of claims to be held in the county in the year 1873, and every two years thereafter; and for the purpose of holding such election, the justices of the peace in the city of Newport, Campbell county, and the city of Covington, Kenton county, shall constitute a part of the court of claims.

The amendment proposed by Mr. Cooper reads as follows, viz:

§ 2. The commissioners shall be elected by the qualified voters in each county in this Commonwealth on the first Monday in August, 1873, and every two years thereafter; and said election shall be held and conducted in the same manner, and by the same officers, now authorized to hold elections for other county offices.

Mr. Martin proposed to amend the amendment proposed by Mr. Cooper as follows, viz:

The commissioners shall be appointed by the Superintendent of Public Instruction in the year 1873, and every two years thereafter.

And the question being taken thereon, it was decided in the negative.

The question was then taken on the adoption of the amendment proposed by Mr. Cooper, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and Hargis, were as follows, viz:

In the affirmative, John E. Cooper—1.

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. Martin,
R. A. Burton,	D. R. Haggard,	Alfred T. Pope,
Wm. L. Conklin,	H. S. Hale,	W. H. Sneed,
F. W. Darby,	Thomas F. Hargis,	W. L. Vories,
J. H. Dorman,	Edwin Hawes,	Ben. J. Webb,
William P. Duvall,	J. B. Haydon,	Emery Whitaker—20.
John J. Gatewood,	William Johnson,	

The question was then taken on concurring in the amendment proposed by the joint committee to section eight of article seven, chapter nineteen, and it was decided in the negative.

The amendment proposed by the committee to the report of the revisors is as follows, viz:

In line one of said section, after the word "of," where it first occurs, strike out the words "five electors of the district, or upon his own order," and insert in lieu thereof the following: "at least one half of the land-owners in the district."

The yeas and nays being required thereon by Messrs. Hargis and Sneed, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	H. S. Hale,	W. L. Vories,
R. A. Burton,	J. B. Haydon,	Ben. J. Webb,
Wm. L. Conklin,	Wm. Johnson,	Emery Whitaker—10.
Jesse C. Gilbert,		

Those who voted in the negative, were—

John E. Cooper,	D. R. Haggard,	A. L. Martin,
F. W. Darby,	Thomas F. Hargis,	Alfred T. Pope,
J. H. Dorman,	Edwin Hawes,	W. H. Sneed—10.
John J. Gatewood,		

And then the Senate adjourned.

TUESDAY, MARCH 11, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to incorporate the same under the name of the Howland Coal and Iron Works.

An act to provide for an interpreter for the Louisville chancery court and the Jefferson court of common pleas.

An act to incorporate the Deposit Bank of Cynthiana.

An act to amend an act, entitled "An act to tax railroads, turnpikes, and other corporations in aid of the Sinking Fund," approved February 20th, 1864.

An act to amend the revenue laws of this Commonwealth.

An act to incorporate the Auburn Building and Loan Association.

An act to incorporate the Bank of Madisonville.

An act concerning the public roads in Hardin county.

An act declaring Wolf river a navigable stream.

An act for the benefit of the New Liberty Branch Turnpike Road Company.

An act for the benefit of W. E. Clelland, late sheriff of Mercer county.

An act to incorporate the Greenup Exchange Bank.

An act to direct the running and re-marking the line between the counties of Franklin and Woodford.

An act for the benefit of the New Liberty and Owenton Turnpike Road Company.

An act to incorporate the Ashland and Catlettsburg Street Railway and Transfer Company.

That they had passed a bill, entitled

An act to amend an act, entitled "An act to incorporate the Hodgenville and Elizabethtown Turnpike Road Company," approved March 9th, 1868.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the Committee on Internal Improvement.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill authorizing the Marshall county court to issue bonds and levy a tax to build or repair bridges in said county.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

A bill to legalize the proceedings of the president and directors of the Danville and Hustonville Turnpike Road Company.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the committee to whom they had been referred, viz:

By Mr. Wm. Johnson, from the Committee on the Judiciary—

1. An act to amend the charter of the town of Marion, in Crittenden county.

By Mr. Pope, from the Committee on the Judiciary—

2. An act to incorporate the Mechanics' Loan and Building Association, of Lexington.

With sundry amendments to the last named bill.

Which were adopted.

Ordered, That the 1st be recommitted to the Committee on Religion and Morals, and the 2d, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Pope, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of the heirs of Squire Jones, of Henry county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Mr. Martin, from the Committee on Library and Public Buildings and Offices, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to incorporate the Public Library of Kentucky,"

Reported the same, with the expression of opinion that said bill ought not to pass.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That section third of an act, entitled "An act to incorporate the Public Library of Kentucky," which became a law on the 16th of March, 1871, be, and the same is hereby, repealed, and insert in lieu thereof the following: "The library, property, and affairs of said corporation shall be under the control and management of nine (9) trustees, three of whom shall be chosen by the stockholders, four appointed by the Governor of Kentucky, one by the mayor of Louisville, and one by the board of school trustees of the city of Louisville, once in every two years. The nine persons named in this act shall be the trustees for the two years next succeeding the passage of this act, and until their successors are chosen. A vacancy in the board of trustees, caused by resignation, death, or otherwise, shall be filled by the other trustees, or a majority of them, in such manner as they may determine. Five trustees shall constitute a majority of the board and a quorum for the transaction of business. The biennial choosing of the three trustees by the stockholders shall be upon notice published in one or more of the papers published in Louisville, for at least ten days next preceding the meeting of the stockholders for that purpose. The meeting of the stockholders to choose trustees shall be in the building in which the library is kept, and at such meeting the three trustees, selected by a majority of the stockholders present, shall serve for the ensuing two years, and until their successors are chosen.

§ 2. This act shall take effect and be in force from and after its passage.

The question was then taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Webb and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

Wm. L. Conklin,	Edwin Hawes,	A. G. Talbott,
Thomas F. Hargis,	J. B. Haydon,	Ben. J. Webb—6.

Those who voted in the negative, were—

John S. Barlow,	W. McKee Fox,	I. L. Hyatt,
R. A. Burton,	W. W. Frazer,	William Johnson,
Harrison Cockrill,	John J. Gatewood,	A. L. Martin,
John E. Cooper,	Jesse C. Gilbert,	Alfred T. Pope,
F. W. Darby,	D. R. Haggard,	K. F. Prichard,
J. H. Dorman,	H. S. Hale,	W. L. Vories—19.
William P. Duvall,		

So said bill was disagreed to.

The Senate resumed the consideration of the unfinished report from the Committee on Propositions and Grievances, which was cut off by the special order on yesterday, viz:

A bill to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Frankfort," approved March 16th, 1869.

Ordered, That the further consideration of said bill be postponed to, and made the special order of the day for, to-morrow, the 12th inst., at half-past nine o'clock, A. M.

The Senate, according to order, took up for consideration a bill, entitled

An act to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum," approved February 5th, 1873.

Ordered, That the further consideration of said bill be postponed to, and made the special order of the day for, Tuesday next, the 18th inst.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend an act to incorporate the Cumberland and Ohio Railroad Company;

An act for the benefit of the Kentucky Institution for the Education of the Blind;

An act to authorize the county court of Cumberland county to establish ferries across Cumberland river, in said county;

An act for the benefit of the Headquarters and Steel's Run Turnpike Road Company;

An act to change the time of holding the circuit courts in the 9th judicial district;

An act to incorporate the Chataroi Railway Company;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Leave was given to bring in the following bills, viz:

On motion of Mr. Martin—

1. A bill to incorporate the Rockcastle Railway Company.

On motion of Mr. Duvall—

2. A bill to amend the charter of the Georgetown and Paris Turnpike Road Company, in Scott county.

On motion of Mr. Frazer—

3. A bill to repeal all acts incorporating the town of Elkton, in Todd county.

On motion of Mr. Vories—

4. A bill for the benefit of A. H. Ditto, committee of Polly Miller, a pauper idiot, of Henry county.

On motion of same—

5. A bill for the benefit of Wm. Pollard, committee for Eliza Pollard, a pauper idiot, of Henry county.

On motion of Mr. McAfee—

6. A bill amending the charter of the town of Nicholasville.

On motion of Mr. Darby—

7. A bill for the benefit of J. K. Greer, of Caldwell county.

Ordered, That the Committee on Railroads prepare and bring in the 1st; the Committee on Internal Improvement the 2d; the Committee on Propositions and Grievances the 3d; the Committee on Claims the 4th and 5th, and the Committee on Courts of Justice the 6th and 7th.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to change and fix the time of holding the Hart circuit court.

An act to amend the title of an act, entitled "An act to amend an act, entitled 'An act to regulate the sale and storage of illuminating oils made from coal, petroleum, and other bituminous substances,'" approved February 24th, 1873.

An act to amend and reduce into one the several acts in relation to the town of Danville.

An act to incorporate the trustees of the Baptist Female College of Liberty Association, in the State of Kentucky.

An act to incorporate the Cairo and Tennessee River Railroad Company.

An act to prohibit the destruction of fish by traps, and by seining and netting, in the spawning season, in Barren river and its tributaries, in Allen county.

An act to incorporate the St. Catherine's Convent of Sisters of Mercy.

An act to amend the charter of the Pulaski Agricultural and Mechanical Association.

An act to prevent the wanton destruction of fish in Crocus creek, in Cumberland county.

An act for the benefit of Nancy Edwards, an idiot, of Lawrence county.

The Senate took up for consideration a bill, entitled

A bill to suppress lawlessness in this Commonwealth,

Together with the amendments heretofore proposed.

Pending the consideration of which, the hour arrived for the taking up of the report of the Joint Committee on the Revision of the Statutes.

On motion of Mr. Gilbert, the fifth section of article two, chapter nineteen, was amended by adding thereto the following, viz:

And for the extension of the free schools for a longer term than five months.

On motion of Mr. Gilbert, the eighth section of same article and chapter was amended, by striking out the word "twenty," and inserting in lieu thereof the word "forty."

Said section reads as follows, viz:

§ 8. That the tax allowed under the foregoing sections shall not exceed twenty cents, in any one year, on the hundred dollars' worth of taxable property in the district.

On motion of Mr. Gilbert, the eighth section of article seven, of chapter nineteen, was stricken out.

Mr. Hargis then moved to amend the report of the Commissioners as follows, viz:

Section nine, beginning in line five, strike out the words "a per capita tax, not exceeding two dollars on each white male in the district over twenty-one years of age."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hargis and Whitaker, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, Thomas F. Hargis, A. L. Martin—5.
D. R. Haggard, Edwin Hawes,

Those who voted in the negative, were—

R. A. Burton,	John J. Gatewood,	K. F. Prichard,
Harrison Cockrill,	Jesse C. Gilbert,	W. H. Sneed,
Wm. L. Conklin,	H. S. Hale,	A. G. Talbott,
John E. Cooper,	J. B. Haydon,	W. L. Vories,
F. W. Darby,	William Johnson,	Ben. J. Webb,
J. H. Dorman,	Alfred T. Pope,	Emery Whitaker—19.
W. W. Frazer,		

The question was then taken on the adoption of the second amendment proposed by the joint committee, the committee having amended the ninth section of same article by striking out the words, "the assessment of a tax on all the taxable property of such district and," and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hargis and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	K. F. Prichard,
R. A. Burton,	D. R. Haggard,	W. H. Sneed,
Harrison Cockrill,	H. S. Hale,	A. G. Talbott,
Wm. L. Conklin,	J. B. Haydon,	W. L. Vories,
John E. Cooper,	William Johnson,	Ben. J. Webb,
W. W. Frazer,	A. L. Martin,	Emery Whitaker—19.
John J. Gatewood,		

Those who voted in the negative, were—

J. H. Dorman,	Edwin Hawes,	Alfred T. Pope—4.
Thomas F. Hargis,		

Mr. Prichard then moved to amend the report of the Commissioners as follows, viz:

Strike out all, beginning after the word "allow," in the twenty-fourth line, down to, and including, the word "head," in the thirtieth line.

And the question being taken thereon, it was decided in the affirmative.

Mr. Cooper then moved to amend the proviso proposed by the joint committee to section nine, by adding thereto the following additional proviso, viz:

Provided further, That the provisions of this section shall not be enforced until all the money raised under the second article of this chapter is exhausted.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	Edwin Hawes,
Harrison Cockrill,	H. S. Hale,	A. L. Martin—8.
John E. Cooper,	Thomas F. Hargis,	

Those who voted in the negative, were—

R. A. Burton,	Jesse C. Gilbert,	W. H. Sneed,
Wm. L. Conklin,	J. B. Haydon,	A. G. Talbott,
J. H. Dorman,	Wm. Johnson,	W. L. Vories,
W. W. Frazer,	Alfred T. Pope,	Ben. J. Webb,
John J. Gatewood,	K. F. Prichard,	Emery Whitaker—15.

The chapter, as amended, was then adopted.

And then the Senate adjourned.

WEDNESDAY, MARCH 12, 1873.

Hon. Wm. Johnson, presiding.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of James Walters, committee of Polly Plewman, an idiot, of Estill county.

An act to amend the charter of the Frankfort Lumber, Brick, and Implement Manufacturing Company.

An act to authorize the city of Hickman to subscribe and pay for stock in the Mississippi River Levee Company.

An act to define the boundary line of the town of Prestonsburg, and submitting to a vote of the citizens thereof the question of regulating the sale of spirituous and vinous liquors therein.

An act for the benefit of Wm. E. Paul, jailer of Cumberland county.

An act for the benefit of Andrew Raney, of Estill county.

An act to amend an act, entitled "An act to amend and reduce into one the several acts respecting the town of Hickman," approved March 10th, 1854.

An act to incorporate the Pomeroy Coal Company.

An act empowering the board of trustees of the town of Ashland to purchase lands and establish a public park.

An act to incorporate the Owingsville Depot Turnpike Road Company, in Bath county.

An act to incorporate the Tobacco Bank and Warehouse Company, of Covington.

An act to authorize the Grant county court to sell the poor-house farm in said county.

An act to amend the charter of the Spring Station Railway Company.

An act to authorize Wm. A. Varney to erect a mill-dam across Pond creek, in Pike county.

An act to define the county line between the counties of Magoffin and Breathitt.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to incorporate the Louisville and Highland Turnpike Company, in Jefferson county.

2. An act to increase the civil jurisdiction of the quarterly and justices' courts of Barren county.

3. An act to repeal an act, entitled "An act for the benefit of Levi Kash, judge of the Wolfe county and quarterly courts," approved March 6th, 1868.

4. An act for the benefit of James G. Ficklin, late sheriff of Bath county.

5. An act to amend the charter of the town of Frenchburg, in Menifee county.

6. An act for the benefit of Gabe Hays, of the county of Breathitt.

7. An act to amend an act, entitled "An act for the benefit of S. W. Thompson and his sureties, late clerk of the Scott circuit court."

8. An act for the benefit of R. F. Scott, sheriff of Garrard county.

9. An act to repeal an act, entitled "An act to change the lines between the counties of Letcher and Harlan."

10. An act to declare War creek, in Breathitt county, a navigable stream.

11. An act authorizing the county court of Butler county to establish a ferry on Green river, in said county.

12. An act to permit John Williams to erect a mill-dam across Troublesome creek, in Perry county.

13. An act to amend the charter of the town of Brooksville, in Bracken county.

14. An act to amend an act, entitled "An act to incorporate the Big Sandy Highway Bridge Company."

15. An act authorizing the steam mills in Carter county to take the one sixth of all the grain ground at said steam mills for toll.

16. An act to regulate the taking of property adrift upon certain rivers in this Commonwealth.

17 An act for the benefit of Henry C. Fitzpatrick, collector of the revenue of Floyd county for the year 1870.

18. An act to amend an act, entitled "An act to incorporate the Blandville and Cairo Turnpike Road Company," approved March 6th, 1868.

19. An act to incorporate the Agricultural and Mechanical Association of the Colored People of Bourbon county.

20. An act for the benefit of James W. Carpenter, of Ballard county.

21. An act to amend the charter of the town of Catlettsburg.

22. An act for the benefit of James Wills, sr., of Menifee county.

23. An act to amend the charter of the town of Germantown, in Bracken and Mason counties.

24. An act for the benefit of school district No. 44, in Campbell county.

25. An act to fix the boundary of the town of Mt. Sterling, in Montgomery county.

26. An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Mount Zion Church, Clark county.

27. An act to provide for defining and marking the line between the counties of Crittenden and Caldwell.

28. An act to create a lien in favor of real estate agents in certain localities.

29. An act to authorize the jailer of Fayette county to appoint an additional deputy jailer.

30. An act for the benefit of the common schools of Johnson county.

31. An act to incorporate the town of Peak's Mill, in Franklin county.

32. An act to incorporate the Antioch and Burdett's Mill Turnpike Road Company, in Garrard county.

33. An act for the benefit of Wm. Chamberland, of Russell county.

34. An act to amend an act, entitled "An act to incorporate the trustees of the Lancaster Presbyterian Church."

35. An act for the benefit of the magistrates of Hardin county.

36. An act for the benefit of Barney Sisk, jailer of Hopkins county.

37. An act to charter the Dozier Mountain Coal Company.

38. An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 14th, 18th, and 32d to the Committee on Internal Improvement; the 2d, 3d, 20th, 31st, and 35th to the Committee on Courts of Justice; the 4th, 7th, 8th, and 17th to the Committee on Finance; the 5th, 13th, 23d, 28th, and 29th to the Committee on the Judiciary; the 6th, 9th, 10th, 11th, 12th, 15th, 25th, and 27th to the Committee on Propositions and Grievances; the 19th and 37th to the Committee on Agriculture and Manufactures; the 22d, 33d, and 36th to the Committee on Claims; the 24th and 30th to the Committee on Education; the 26th and 34th to the Committee on Religion and Morals, and the 16th, 21st, and 38th were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Columbus and Milburn Gravel and Plank Road Company.

An act to authorize the trustees of the Methodist Episcopal Church, South, of Cloverport, to sell certain church property.

An act to amend an act, entitled "An act to organize and establish a system of public schools in the city of Henderson."

An act to amend the charter of the city of Bowling Green.

An act to incorporate the Logan County Bank.

An act for the benefit of school district No. 5, in Ballard county.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to change the time of holding the circuit courts in the 9th judicial district.

An act to authorize the county court of Cumberland county to establish ferries across Cumberland river, in said county.

An act for the benefit of the Kentucky Institution for the Education of the Blind.

An act for the benefit of the Headquarters and Steel's Run Turnpike Road Company.

An act to amend an act to incorporate the Cumberland and Ohio Railroad Company.

An act to incorporate the Chataroi Railway Company.

Mr. Prichard presented the petition of the Boyd county court, praying an appropriation to Jeremiah Hallam for keeping a pauper lunatic in said county.

Which was received, the reading dispensed with, and referred to the Committee on Claims.

Mr. Prichard, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Mary A. Carter, a minor, in Lyon county,

Reported the same, with the expression of opinion that said bill ought not to pass.

On motion,

Ordered, That said bill be placed in the orders of the day.

Mr. Hale, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act authorizing L. B. Lovel, late sheriff of Lewis county, to list uncollected fee bills and tax receipts with constables in Lewis county for collection,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Gilbert, from the Committee on Courts of Justice, reported a bill, entitled

A bill for the benefit of the town of Eminence.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate, according to order, took up for consideration a bill, entitled

4. A bill for the protection of counties, cities, &c., subscribing stock in railroads, turnpikes, and other improvements.

Mr. Sneed proposed an amendment to said bill.

Ordered, That the further consideration of said bill and pending amendment be postponed to, and made the special order of the day for, to-morrow.

On motion of Mr. Hale, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the House of Representatives, entitled

An act to add Graves county to the common pleas district in the 1st judicial district, and to provide for chancery terms of said common pleas court in said county.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Hale then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was simply entered.

Leave was given to bring in the following bills, viz:

On motion of Mr. Prichard—

1. A bill for the benefit of Jeremiah Hallam, of Boyd county.

On motion of Mr. Pope—

2. A bill to exempt certain railroad officials from jury service.

On motion of same—

3. A bill to amend the charter of the Louisville Medical College.

On motion of Mr. Vories—

4. A bill to amend the charter of the Eminence and Fox Run Turnpike Road Company.

Ordered, That the Committee on Claims prepare and bring in the 1st; the Committee on the Judiciary the 2d and 3d, and the Committee on Internal Improvement the 4th.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to protect fish in Sulphur Fork of Drake's creek, on the line between Simpson and Allen counties;

An act to change the time of holding quarterly courts in Menifee county;

An act to protect birds and game in Bullitt county;

An act empowering the Spencer county court to sell the old circuit and county court clerks' offices in said county;

An act to amend an act, entitled "An act to provide for the improvement of the roads of Butler county," approved February 2d, 1872;

An act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county;

An act to increase the county levy of Boyle county;

An act for the benefit of the Middleburg and Liberty Turnpike Road Company;

An act to define the line between the counties of Clay and Jackson;

An act to re-enact and continue in force an act, entitled "An act for the benefit of A. W. Nickell, late sheriff of Johnson county, and his securities," approved February 3d, 1871;

An act to declare Middle creek and Bull creek, in Floyd county, navigable streams;

An act to amend an act, entitled "An act to amend an act to authorize the Shelby county court to issue bonds for the benefit of turnpike roads;"

An act for the benefit of Pauline J. Chaney, an idiot, of Graves county;

An act to allow the State agent at the Rio bridge, in Hart county, to make necessary improvements, not exceeding one hundred dollars in value;

An act for the benefit of C. L. Howard, late sheriff of Harlan county;

An act for the benefit of Samuel Jones, committee of Wm. Jones, an idiot, of Clinton county;

An act to prevent the destruction of fish in Cumberland river and its tributaries, above the falls of said river;

An act to repeal the 202d, 203d, 204th, 205th, 206th, and 207th sections of the city charter of Paducah, in McCracken county;

An act for the benefit of J. G. Scott, sheriff of Metcalfe county;

An act to authorize the county judge of Metcalfe county to sell and convey the poor-house farm in said county, and reinvest the proceeds;

An act for the benefit of Elliott county;

An act authorizing Linus Greenwell, of the county of Nelson, to erect a fish-dam across the Beech Fork of Salt river, in Nelson county;

An act for the benefit of the county of Pulaski;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

The Senate took up for consideration a bill, entitled

A bill to suppress lawlessness in this Commonwealth,

Together with the amendment proposed by Mr. Cooper as a substitute for the bill as amended on yesterday.

The bill, as amended, on motion of Mr. Sneed, reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person shall send, circulate, exhibit, or put up any threatening notice or letter, signed with such person's own or another's name, or anonymously, he shall, on conviction thereof, be fined not less than one hundred nor more than five hundred dollars, and imprisoned in the county jail not less than three months.

§ 2. If any two or more persons shall confederate or band themselves together, for the purpose of intimidating, alarming, or disturbing any person or persons, or to do any unlawful act, they or either shall, on conviction thereof, be confined in the Penitentiary not less than six nor more than twelve months, or, in the discretion of the jury, fined not less than one hundred nor more than five hundred dollars, and imprisoned in the county jail not less than three nor more than six months.

§ 3. If two or more persons shall unlawfully confederate or band together, and go forth armed or disguised, they shall each, on conviction thereof, be imprisoned in the Penitentiary not less than six nor more than twelve months, or fined, in the discretion of the jury, in a sum not less than one hundred nor more than five hundred dollars, and imprisoned in the county jail for a period of not less than three nor more than six months.

§ 4. If any injury shall result to the person or property of any person or persons by reason of any of the unlawful acts denounced in the preceding sections of this act, the person or persons engaged or participating, or any one of them, in such unlawful act or acts, shall, on conviction thereof, be confined in the Penitentiary for a period of not less than twelve nor more than eighteen months, in the discretion of the jury.

§ 5. For the purpose of more effectually enforcing the provisions of this act, the Governor is hereby authorized and directed, upon the presentation of evidence, made under oath, satisfactory to him, that there has been a violation of the 4th section of this act, to offer a reward of not less than one hundred and not more than five hundred dollars for the apprehension and conviction of each of the offenders, one fourth of said reward to go to the informer, one fourth to the officer making the arrest, one fourth to the county attorney, and one fourth to the Commonwealth's Attorney prosecuting the offender or offenders.

§ 6. It shall be the duty of the several sheriffs and other peace officers of this Commonwealth, upon information furnished them by written affidavit, made before any officer of the county authorized to administer an oath, setting forth that said person or persons know, or have reasonable grounds to believe, that two or more persons disguised, or otherwise, bearing arms or deadly implements of any character, have, within twenty-four hours preceding the time of the making of such affidavit, visited any house, or were seen in any neighborhood, disguised and bearing arms or other deadly implements, with a view of injuring, alarming, or intimidating any citizen of said neighborhood, or that any citizen of said neighborhood has, within said period of time, received any injury to his person or that of any member of his family, or to his property, by reason of the act or acts of any two or more persons, confederated or banded together, in disguise or otherwise, for any unlawful purpose, to summon a *posse comitatus* of not less than five nor more than ten persons, good and true men, and forthwith repair to such neighborhood, where he may summon an additional posse of not less than five nor more than twenty-five other persons, from the law-abiding citizens of said neighborhood, and with the entire posse so summoned shall at once proceed to exercise all possible diligence and energy for the discovery and arrest of all such offendors against the law; and to this end the sheriff and his posse shall have power to pursue and arrest any and all such offenders beyond the boundaries of his county, into any other county of this Commonwealth, whenever he has reasonable grounds for believing that such offenders or any of them reside in, or have fled to, such other county; and it shall be his duty, immediately after making such arrests or arrest, to carry the persons or person so arrested before any magistrate of the county where the offenses or offense was committed, to be dealt with according to law.

§ 7. If any sheriff or other peace officer shall refuse or fail to discharge any of the duties imposed upon him by the provisions of this act, he shall, upon conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars, for each separate offense; and if any person summoned by the sheriff, or any other peace officer, as a member

of his posse, shall refuse or fail to obey said summons, without good and sufficient cause, he shall, on like conviction thereof, be fined in any sum not less than thirty nor more than three hundred dollars.

§ 8. For the purpose of carrying out the provisions of the 6th section of this act, and defraying all necessary expenses incurred by the sheriff and his posse in execution thereof, the sheriff or other peace officer shall make out an itemized account of said expenses, and make oath to its correctness before the presiding judge of his county, who shall certify the same to the Auditor of Public Accounts, which officer shall, upon presentation of said account and certificate, draw his warrant upon the Treasurer of the State for the full amount of said account in favor of such sheriff or other peace officer, which warrant shall be paid out of any money in the Treasury not otherwise appropriated.

§ 9. In any prosecution under this act it shall be no exemption for a witness that his testimony may criminate himself; but no such testimony given by the witness shall be used against him in any prosecution, except for perjury; and he shall be discharged from all liability for any violation of this act so necessarily disclosed in his testimony; and, furthermore, the person against whom he testifies shall not be received to prove any violation of this act theretofore by such witness.

§ 10. This act shall take effect from and after its passage.

Mr. Gilbert then moved to amend the bill by substituting in lieu of the bill and proposed amendment of Mr. Cooper the following, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That if any person or persons, without authority of law, shall, by force or threats, prevent another from the exercise of his or her lawful trade, vocation, official duties or calling, or from remaining at his or her home or place of residence, the person or persons so offending, and his or their aiders, abettors, or advisors, shall each be deemed guilty of felony, and shall, on conviction thereof, be confined at hard labor in the Penitentiary for a period of not less than one nor more than five years, at the discretion of a jury.

§ 2. Whoever shall, without lawful authority, attempt, by force or threats, to drive another from his or her home or residence, or from the exercise of his or her lawful trade, vocation, official duties, or calling, shall, on conviction thereof, be fined not less than fifty nor more than five hundred dollars, or confined in the county jail not less than one nor more than six months, or both so fined and imprisoned, at the discretion of a jury.

§ 2. This act shall take effect days after its passage.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sneed and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	Jesse C. Gilbert,	H. S. Hale,
John E. Cooper,	D. R. Haggard,	I. L. Hyatt—7.
F. W. Darby,		

Those who voted in the negative, were—

John S. Barlow,	Thomas F. Hargis,	K. F. Prichard,
Wm. L. Conklin,	Edwin Hawes,	W. H. Sneed,
J. H. Dorman,	J. B. Haydon,	A. G. Talbott,
William P. Duvall,	William Johnson,	W. L. Vories,
W. W. Frazer,	A. L. Martin,	Ben. J. Webb,
John J. Gatewood,	Alfred T. Pope,	Emery Whitaker—18.

Pending the further consideration of said bill, the hour fixed for the consideration of the Revised Statutes arrived.

The Senate, according to order, took up for consideration the report of the Joint Committee on the Revision of the Statutes.

The twentieth and twenty-first chapters were adopted without amendment.

The nineteenth section of the twenty-second chapter was amended, and the chapter adopted as reported by the committee.

The fourth section of the twenty-third chapter was then amended.

Mr. Haydon then proposed to amend the fifteenth section as follows, viz:

In line four, strike out the word "ten," before "dollars," and insert "eight."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haydon and Gilbert, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	D. R. Haggard,	J. B. Haydon,
John E. Cooper,	Edwin Hawes,	W. L. Vories—6.

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	Alfred T. Pope,
Wm. L. Conklin,	H. S. Hale,	K. F. Prichard,
F. W. Darby,	Thomas F. Hargis,	W. H. Sneed,
J. H. Dorman,	Wm. Johnson,	Ben. J. Webb,
W. W. Frazer,	A. L. Martin,	Emery Whitaker—17.
John J. Gatewood,	A. L. McAfee,	

The thirteenth section of chapter twenty-three was stricken out.

The twenty-third chapter was then adopted.

The twenty-fourth chapter was adopted as reported by the committee.

The twenty-fifth chapter was then taken up.

Mr. Prichard moved to amend the third section thereof as follows, viz:

After the word "trust," in the second line, insert the words, "except deeds of trust made to secure debts or indemnify securities."

And the question being taken thereon, it was decided in the negative.

Pending the further consideration of the chapter, the Senate adjourned.

THURSDAY, MARCH 13, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Mechanics' Loan and Building Association, of Lexington.

An act for the benefit of schools in New Castle, Henry county.

The last of which was changed so as to read,

An act in relation to the accounts of the trustees of the Henry Female College and Henry Male Academy, and the lottery privilege connected therewith.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of the jailer of Fayette county.

An act to change the time of holding the county court of Jessamine county.

That they had passed bills and adopted a resolution of the following titles, viz:

1. An act to incorporate Brothers' Lodge, No. 132, Independent Order of Odd Fellows, of Owensboro.

2. An act to authorize the trustees of the town of Columbia to sell and convey part of Jefferson alley, in said town.

3. An act to incorporate the Prestonsburg Academy and Normal School Joint Stock Company.

4. An act to amend the charter of the town of Elizabethtown.

5. An act for the benefit of Mrs. Margaret Decker.

6. Resolution providing for removal of the remains of General C. H. Fry and Colonel Theodore O'Hara.

Which bills and resolution were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills and resolution being dispensed with, they were referred—the 1st to the Committee on Charitable Institutions; the 2d to the Committee on Propositions and Grievances; the 3d to the Committee on Education; the 4th to the Committee on the Judiciary; the 5th to the Committee on Claims, and the 6th to the Committee on Finance.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Russellville Banking and Warehouse Company.

An act for the benefit of R. N. Walker, late sheriff of Crittenden county.

An act to amend the charter of the Logan Female College Company.

An act to provide for redistricting the school districts of the county of Madison.

An act for the benefit of O. P. Shackelford, tax collector for Edmonson county, and his securities.

An act to authorize the sale and conveyance of the seminary property situated in the town of Mount Vernon, in Rockcastle county, and appropriate the proceeds arising therefrom to common school purposes for said county.

An act to incorporate the Dayton and Bellview Gas-light Company, in Campbell county.

An act for the benefit of the common schools in Bracken county.

An act for the benefit of the heirs of Horace Welford, deceased, of Virginia.

An act to incorporate the Owensboro Masonic Mutual Relief Association.

An act for the benefit of Warren county.

An act for the benefit of E. G. Walls, committee of Sarah Jane Walls, a pauper idiot, of Lincoln county.

The following petitions were presented, viz:

By Mr. Sneed—

1. The petition of sundry citizens of the city of Frankfort, asking the passage of an act authorizing a change in the location of the burying-ground of the Penitentiary.

By Mr. Talbott—

2. The petition of sundry citizens of Boyle, Lincoln county, and others, praying the passage of an act in relation to jacks, bulls, and stallions.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Propositions and Grievances, and the 2d to the Committee on Courts of Justice.

The following bills were reported from the committee directed to prepare and bring in the same, viz:

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill concerning the appointment of a superintendent and commissioner of roads and bridges for Ohio county.

By same—

A bill to define the line between the counties of Clay and Jackson.

By same—

A bill for the benefit of John Grumbly, of Todd county.

By same—

A bill to repeal all laws incorporating the town of Elkton.

By same—

A bill to prevent live stock of all kinds from running at large in Jefferson county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Gatewood, from the Committee on Education, reported a bill, entitled

A bill for the benefit of the school trustees of Powell county for the school year ending 30th June, 1872.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, W. Frank Crawford, common school commissioner of Powell county, for the school year ending June 30th, 1872, drew from the Treasury the amount of money due said county on account of common schools for said year, and fled to parts unknown, and failed, and still fails, to pay the same over to the persons entitled thereto; and the sureties of said Crawford, after paying out all they had, have been unable to satisfy the defalcation of said Crawford; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, upon presentation to the Auditor of Public Accounts of the certificate of the Superintendent of Public Instruction, as to the amount of surplus fund standing due to Powell county, the Auditor shall issue his warrant on the Treasury, payable to the common school commissioner of Powell county (by name), for whatever sum of surplus fund so certified to him by the Superintendent of Public Instruction, which shall be paid by the Treasurer, out of said surplus fund and no other money.

§ 2. When said Commissioner shall receive said amounts, he shall apportion the same among the trustees of common schools of Powell county for the school year ending 30th June, 1872, and pay the same over to such trustees as they are severally entitled thereto according to said apportionment.

§ 3. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	Alfred T. Pope,
R. A. Burton,	John J. Gatewood,	K. F. Prichard,
James B. Casey,	D. R. Haggard,	W. H. Sneed,
Harrison Cockrill,	Edwin Hawes,	A. G. Talbott,
Wm. L. Conklin,	J. B. Haydon,	W. L. Vories,
John E. Cooper,	I. L. Hyatt,	Ben. J. Webb,
F. W. Darby,	Wm. Johnson,	Emery Whitaker,
J. H. Dorman,	A. L.Martin,	Thos. Wrightson—25.
William P. Duvall,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the committee to whom they had been referred, viz:

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act defining the boundary line between the counties of Harlan and Bell.

By same—

An act to authorize the Butler county court to establish a ferry on Green river, near Morgantown, at or near Morrison's old ferry.

By same—

An act to prevent the destruction of fish in Salt river, in Anderson county.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of S. S. Farris, sheriff of Barren county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, Four hundred and fifty-nine dollars and eighteen cents in damages have accrued to the State of Kentucky against S. S. Farris, sheriff of Barren county, on account of the failure of said Farris to settle with the Auditor on 1st day of April, 1872, the revenue of Barren county for the year 1871; and whereas, the said Farris was prevented from so doing on account of the circuit court of said county being in session at said time, and did, in a few days thereafter, settle and pay over said revenue in full for said year to said Auditor; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Farris be, and he is hereby, released from the payment of said sum in damage to the State of Kentucky.

§ 2. This act shall take effect from the time of its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	F. W. Darby,	J. B. Haydon,
R. A. Burton,	William P. Duvall,	I. L. Hyatt,
James B. Casey,	John J. Gatewood,	A. G. Talbott,

Those who voted in the affirmative, were—

John S. Barlow,	F. W. Darby,	A. L. Martin,
Harrison Cockrill,	Edwin Hawes,	A. L. McAfee,
Wm. L. Conklin,	J. B. Haydon,	K. F. Prichard,
John E. Cooper,	Wm. Johnson,	W. L. Vories—12.

Those who voted in the negative, were—

R. A. Burton,	John J. Gatewood,	W. H. Sneed,
James B. Casey,	D. R. Haggard,	A. G. Talbott,
J. H. Dorman,	I. L. Hyatt,	Ben. J. Webb,
William P. Duvall,	O. D. McManama,	Emery Whitaker,
W. W. Frazer,	Alfred T. Pope,	Thos. Wrightson—15.

Mr. Cooper then moved to amend said bill as follows, viz:

Add to section 5th the following, viz:

Which reward shall be paid out of the county levy of the county in which the offense may have been committed.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sneed and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

John E. Cooper,	A. L. McAfee,	W. L. Vories—4.
J. B. Haydon,		

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	Alfred T. Pope,
R. A. Burton,	John J. Gatewood,	K. F. Prichard,
James B. Casey,	D. R. Haggard,	W. H. Sneed,
Harrison Cockrill,	Edwin Hawes,	A. G. Talbott,
Wm. L. Conklin,	I. L. Hyatt,	Ben. J. Webb,
F. W. Darby,	William Johnson,	Emery Whitaker,
J. H. Dorman,	A. L. Martin,	Thos. Wrightson—23.
William P. Duvall,	O. D. McManama,	

Mr. Whitaker then moved to amend said bill by striking out the eighth section thereof.

Mr. Cockrill then moved to refer said bill and proposed amendment to a select committee.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sneed and McManama, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	F. W. Darby,	John J. Gatewood,
James B. Casey,	J. H. Dorman,	A. L. Martin,
Harrison Cockrill,	W. W. Frazer,	W. L. Vories—10.
John E. Cooper,		

Those who voted in the negative, were—

R. A. Burton,	I. L. Hyatt,	W. H. Sneed,
Wm. L. Conklin,	William Johnson,	A. G. Talbott,
Wm. P. Duvall,	A. L. McAfee,	Ben. J. Webb,
D. R. Haggard,	O. D. McManama,	Emery Whitaker,
Edwin Hawes,	Alfred T. Pope,	Thos. Wrightson—17.
J. B. Haydon,	K. F. Prichard,	

Mr. McManama then moved to refer said bill and proposed amendment to the Committee on Religion and Morals.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McManama and Prichard, were as follows, viz:

In the affirmative, none.

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazier,	O. D. McManama,
R. A. Burton,	John J. Gatewood,	Alfred T. Pope,
James B. Casey,	D. R. Haggard,	K. F. Prichard,
Harrison Cockrill,	Edwin Hawes,	W. H. Sneed,
Wm. L. Conklin,	J. B. Haydon,	A. G. Talbott,
John E. Cooper,	I. L. Hyatt,	W. L. Vories,
F. W. Darby,	Wm. Johnson,	Ben. J. Webb,
J. H. Dorman,	A. L. Martin,	Emery Whitaker,
William P. Duvall,	A. L. McAfee,	Thos. Wrightson—27.

The question was then taken on the amendment proposed by Mr. Whitaker, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sneed and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	O. D. McManama,
James B. Casey,	Edwin Hawes,	Alfred T. Pope,
Harrison Cockrill,	J. B. Haydon,	K. F. Prichard,
Wm. L. Conklin,	I. L. Hyatt,	A. G. Talbott,
John E. Cooper,	William Johnson,	W. L. Vories,
J. H. Dorman,	A. L. Martin,	Ben. J. Webb,
W. W. Frazer,	A. L. McAfee,	Emery Whitaker—22.
John J. Gatewood,		

Those who voted in the negative, were—

R. A. Burton,	William P. Duvall,	Thos. Wrightson—5.
F. W. Darby,	W. H. Sneed,	

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sneed and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	John J. Gatewood,	K. F. Prichard,
James B. Casey,	D. R. Haggard,	W. H. Sneed,
Harrison Cockrill,	Edwin Hawes,	A. G. Talbott,
Wm. L. Conklin,	I. L. Hyatt,	W. L. Vories,
John E. Cooper,	A. L. Martin,	Ben. J. Webb,
J. H. Dorman,	O. D. McManama,	Emery Whitaker,
William P. Duvall,	Alfred T. Pope,	Thos. Wrightson—22.
W. W. Frazer,		

Those who voted in the negative, were—

John S. Barlow,	J. B. Haydon,	A. L. McAfee—5.
F. W. Darby,	William Johnson,	

Resolved, That the title of said bill be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Duvall—

1. A bill to amend the charter of Cynthiana, in Harrison county.

On motion of Mr. Darby—

2. A bill to amend an act, entitled "An act to incorporate the Princeton, Marion, and Ohio River Railroad Company."

Ordered, That the Committee on Education prepare and bring in the 1st and the Committee on Railroads the 2d.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz:

An act for the benefit of the town of Bell Point, in Franklin county;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Greenup Exchange Bank;

An act to prohibit the sale of spirituous liquors in Monroe county;

An act to provide for the transcribing in the county court clerk's office the original survey, plats, and certificates of Morgan county;

An act to amend an act, entitled "An act to prevent and punish certain trespasses in Scott and Woodford counties," approved March 26th, 1872;

An act legalizing certain proceedings of the Washington county court;

An act to amend the charter of the Springfield and Chaplin Turnpike Road Company;

An act to enlarge the corporate limits of the town of Monticello;

An act to authorize the Carter county court to levy an ad valorem tax for bridge purposes;

An act for the benefit of the unfinished turnpike roads in Henry county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

FRIDAY, MARCH 14, 1873.

Hon. Wm. Johnson, presiding.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of R. Williams, sheriff of Owen county, and his sureties.

An act to charter the Owenton Cemetery Company.

An act for the benefit of Hugh Barclay, jr., of Logan county.

An act to incorporate the Kentucky Society for the Prevention of Cruelty to Animals.

An act for the benefit of Farish Arnett, sheriff of Magoffin county.

An act to amend and reduce into one the several acts in relation to the town of Shelbyville.

An act to amend an act for the benefit of the Carlisle and Jackstown Turnpike Road Company, upper route, approved December 20th, 1871.

An act for the benefit of school district No. 47, in Larue county.

An act for the benefit of school district No. 4, in Nicholas county.

An act to incorporate the Hecla Coal and Mining Company.

An act to incorporate the Odd Fellows' Temple Association, of Louisville.

An act to amend an act, entitled "An act to create the Hartford Seminary, of Ohio county."

An act for the benefit of the Louisville Industrial Exposition, and to amend the charter thereof.

An act to amend an act, entitled "An act to incorporate the Louisville Orphans' Home Society," approved February 26th, 1849.

An act to incorporate the Maysville Manufacturing Association.

An act to amend the charter of the city of Maysville.

An act for the benefit of A. H. Kinninmouth, of Butler county.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of the Glasgow Railroad.

2. An act to incorporate the Oak Ridge Turnpike Road Company, in Mercer county.

3. An act to amend an act, entitled "An act for the benefit of the citizens of Garrard county."

4. An act to define the boundary line between the counties of Rockcastle and Jackson.

5. An act to authorize the county courts of Scott and Franklin counties to compel persons to keep stock off of the public roads.

6. An act to amend the charter of the Lebanon Female College.

7. An act to charter the Hustonville Cemetery Company.

8. An act to amend the charter and the amendments thereto incorporating the town of Crab Orchard.

9. An act for the benefit of H. W. Eggleston, of Kenton county.

10. An act to authorize the trustees of Russellville to appoint an inspector and weigher of coal.

11. An act to repeal an act, entitled "An act requiring the Jefferson county court to appoint a measurer of tan-bark," approved March 21st, 1872.

12. An act to incorporate the Muhlenburg Mining Company.

13. An act to incorporate Daniel Boone Lodge, No. 2, Knights of Phythias, in the city of Louisville.

14. An act to amend the charter of the Louisville House of Refuge.

15. An act to enable the county court of Laurel county to levy an ad valorem tax for the purpose of building a new jail, and for other purposes.

16. An act for the benefit of school district No. 7, in Marion county.

17. An act to incorporate the Paducah Germanica Musical Society.

18. An act to establish schools for the education of children of citizens of African descent, in McCracken county.

19. An act for the benefit of Alice Rodgers.

20. An act to allow the bona fide voters of the Garnettsville district, in Meade county, to vote for or against the sale of spirituous, vinous, and malt liquors, in said district.

21. An act for the benefit of Amos Davis, sheriff of Morgan county.

22. An act to incorporate the Mt. Olivet Encampment, No. 55, Independent Order of Odd Fellows, at Greenville.

23. An act to extend the limits of the town of Paradise, in Muhlenburg county.

24. An act to amend the charter of the Simpsonville and Buck Creek Turnpike Road Company, in Shelby county.

25. An act to authorize the clerk of the Nelson county court to index and cross-index deed-books in his office.

26. An act to establish and maintain a public school in district No. 1, in Pulaski county.

27. An act to incorporate the Press Printing Company.

28. An act to amend the charter of the Fisherville and Buck Creek Turnpike Road Company.

29. An act to regulate the pay of the members of the court of claims of Todd county.

30. An act to incorporate the Baptist Church at Elkton, Todd county.

31. An act for the benefit of Mary F. Rush, of Union county.

32. An act for the benefit of Gip Taylor and Nace Waller, former sheriffs of Union county.

33. An act for the benefit of common school districts Nos. 70 and 73, in Warren county.

34. An act to incorporate the Willisburgh and Thompsonville and Pleasant Run Turnpike Road Company.

35. An act for the benefit of John W. Duncan, sheriff of Wayne county.

36. An act to amend an act, entitled "An act to incorporate the Clayville Male and Female Academy."

37. An act for the organization of public schools in the town of Clayville, in Webster county.

38. An act to authorize the county court of Whitley county to increase taxes for county purposes.

39. An act to amend an act, entitled "An act to incorporate the town of Williamsburg."

40. An act to incorporate the Maysville Coal, Salt, and Transfer Company.

41. An act to further amend the charter of the Newport and Cincinnati Bridge Company.

42. An act to authorize the county court of Bourbon county to pay George M. Hibler, circuit clerk of said county, for continuing index and cross-index to suits in said court.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Railroads; the 2d, 24th, 28th, and 34th to the Committee on Internal Improvement; the 3d, 8th, 14th, 23d, 25th, 30th, 31st, and 39th to the Committee on the Judiciary; the 4th, 5th, 9th, 10th, and 21st to the Committee on Propositions and Grievances; the 6th, 16th, 18th, 26th, 33d, 36th, and 37th to the Committee on Education; the 7th and 22d to the Committee on Charitable Institutions; the 12th, 13th, 27th, and 40th to the Committee on Agriculture and Manufactures; the 15th, 17th, 19th, 29th, 38th, and 42d to the Committee on Courts of Justice; the 20th to the Committee on Religion and Morals; the 32d and 35th to the Committee on Finance, and the 41st was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to protect fish in Sulphur Fork of Drake's creek, on the line between Simpson and Allen counties.

An act to change the time of holding quarterly courts in Menifee county.

An act empowering the Spencer county court to sell the old circuit and county court clerks' offices in said county.

An act to protect birds and game in Bullitt county.

An act to amend an act, entitled "An act to provide for the improvement of the roads of Butler county," approved February 2d, 1872.

An act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county.

An act to re-enact and continue in force an act, entitled "An act for the benefit of A. W. Nickell, late sheriff of Johnson county, and his securities," approved February 3d, 1871.

An act to define the line between the counties of Clay and Jackson.

An act to declare Middle creek and Bull creek, in Floyd county, navigable streams.

An act authorizing Linus Greenwell, of the county of Nelson, to erect a fish-dam across the Beech Fork of Salt river, in Nelson county.

An act for the benefit of Elliott county.

An act to authorize the county judge of Metcalfe county to sell and convey the poor-house farm in said county, and reinvest the proceeds.

An act for the benefit of J. G. Scott, sheriff of Metcalfe county.

An act to repeal the 202d, 203d, 204th, 205th, 206th, and 207th sections of the city charter of Paducah, in McCracken county.

An act for the benefit of the county of Pulaski.

An act to prevent the destruction of fish in Cumberland river and its tributaries, above the falls of said river.

An act for the benefit of Samuel Jones, committee of Wm. Jones, an idiot, of Clinton county.

An act to allow the State agent at the Rio bridge, in Hart county, to make necessary improvements, not exceeding one hundred dollars in value.

An act for the benefit of C. L. Howard, late sheriff of Harlan county.

An act for the benefit of Pauline J. Chaney, an idiot, of Graves county.

An act to amend an act, entitled "An act to amend an act to authorize the Shelby county court to issue bonds for the benefit of turnpike roads."

An act for the benefit of the Middleburg and Liberty Turnpike Road Company.

The Senate took up for consideration a bill, which originated in the House of Representatives, at its first reading, entitled

An act to repeal an act, entitled "An act requiring the Jefferson county court to appoint a measurer of tan-bark," approved March 21st, 1872.

Ordered, That said bill be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the negative.

So said bill was disagreed to.

On motion of Mr. Pope, leave was given to bring in a bill, entitled

A bill to incorporate the Southern Land and Construction Company.

Ordered, That the Committee on Agriculture and Manufactures prepare and bring in the same.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

1. A bill concerning the various charitable institutions in this Commonwealth.

By Mr. Duvall, from the Committee on Internal Improvement—

2. A bill to amend the charter of the Georgetown and Paris Turnpike Road Company.

By Mr. Haggard, from the Committee on Internal Improvement—

3. A bill to amend the charter of the Eminence and Fox Run Turnpike Road Company.

By same—

4. A bill to amend the charters of the Jefferson and Brownsboro and Harrod's Creek and Sand Hill Turnpike Road Companies and branches.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

5. A bill to charter the Southern Land and Construction Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be printed, and made the special order of the day for Tuesday next, the 18th inst.; the 5th was ordered to be printed and recommitted to the Committee on Agriculture and Manufactures, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

1. An act to exempt the property of the Danville Theological Seminary from taxation for certain purposes.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

2. An act to incorporate the Miners' Union, of Boyd and Carter counties.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

3. An act to amend an act, entitled "An act to amend the charter of the city of Augusta, in Bracken county."

By Mr. Haggard, from the Committee on Internal Improvement—

4. An act to amend an act, entitled "An act to incorporate the Big Sandy Highway Bridge Company."

By Mr. Webb, from the Committee on Agriculture and Manufactures—

5. An act to incorporate the St. Bernard Transportation Company.

Ordered, That the 5th be printed, and made the special order of the day for Thursday next, the 20th inst., and that all the rest be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to provide for a Geological Survey and Mineralogical Survey of the State.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor is hereby authorized and required, as soon as may be after the passage of this act, to appoint a State Geologist, who shall be a person of competent scientific and practical knowledge of the sciences of geology and mineralogy; and the said State Geologist shall, by and with the consent of the Governor, appoint two suitable persons to assist him in the discharge of his duties, one of whom shall be a competent and skillful chemist.

§ 2. That it shall be the duty of the said State Geologist and his assistants, as soon as may be practicable after his said appointment, to commence and carry on with as much expedition and dispatch as may be consistent with minuteness and accuracy, a thorough geological, mineralogical, and chemical survey of this State, with a view to determine the order and comparative magnitude of the several strata or geological formations of this State, and to discover and examine all beds or deposits of ore, coal, flora, and such other mineral substances as may be useful or valuable, and to analyse the same, and to perform such other duties as may be necessary to make a full and complete geological, mineralogical, and chemical survey of this State: *Provided*, That the survey contemplated by this act shall be a continuation of the survey already made by Professor Owen.

§ 3. That it shall be the duty of the said State Geologist and his assistants to make full and complete examinations, assays, and analyses of all rocks, ores, flora, or other substances, as may be submitted to them for that purpose, and to furnish, if required, a detailed and complete account of the results so obtained; and at the court-house of each county in this State, in which he shall discover valuable mineral deposits, the said Geologist shall deliver either a written or verbal discourse upon their examinations, assays, and analyses of all such rocks, ores, and flora, within such county; and said Geologist, or his assistants, shall deposit at the clerk's office of such county in which he shall discover minerals or other substances, such specimens as he shall deem of value, for the inspection of the citizens and visitors of said county.

§ 4. That it shall be the duty of the said Geologist and his assistants to visit and make such exploration of each county in this State, beginning with the mineral regions, as will be sufficient to satisfy him whether it

contains valuable mineral or other deposits, and the extent, nature, and value thereof.

§ 5. That it shall be the duty of said Geologist and his assistants, on or before the 1st day of December in each and every year, to make a report of the progress of said survey, accompanied with such maps, drawings, and specimens as may be necessary and proper to exemplify and elucidate the same, to the Governor, who shall lay such report before the General Assembly.

§ 6. That it shall be the duty of the said Geologist and his assistants to forward to the Governor, from time to time, during the progress of said survey, such specimens of rocks, flora, ores, coals, and other mineral substances or useful matters discovered and examined, as may be proper and necessary to form a complete cabinet of the specimens of geology, mineralogy, and other useful matters of the State; and the Governor shall cause the same to be deposited, in proper order, in some convenient room in the State Capitol, there to be preserved for public inspection. He shall also furnish like specimens to the Kentucky University, which shall be preserved by the officers thereof, in like manner, for the use of the scholars in said University, and the examination of visitors thereto.

§ 7. That, for the purpose of carrying into effect the provisions of this act, the sum of ten thousand dollars be, and the same is hereby, appropriated, to be expended under the direction of the Governor: *Provided, however*, The principal Geologist shall not receive more than ten dollars per day, nor the assistants more than seven dollars per day, each, for the time they are in actual service: *And provided further*, That the appropriation herein made shall only be used so far as the Governor may find, on investigation, necessary to obtain the services of a competent Geologist and assistants during that part of the year when such Geologist can be profitably employed in the prosecution of such survey.

§ 8. The Governor shall have power to remove any of the persons appointed under this act for negligence or incompetency, or any other cause which he may deem sufficient for such removal, and appoint others in their stead.

§ 9. The principal Geologist and each of his assistants, before entering upon the duties of their offices, shall take an oath faithfully to perform all the services required of them under this act, and to abstain from all pecuniary speculations for themselves or others in the objects of their survey during their progress, and that they will not conceal any valuable discovery or information from the owner or owners of the land on which such discovery is made; but in all things will so conduct the survey, &c., as will (if practicable to do so) duly notify the community generally, and especially the owner or owners of the land on which all such valuable discoveries are made.

§ 10. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	K. F. Prichard,
Wm. L. Conklin,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	I. L. Hyatt,	A. G. Talbott,

F. W. Darby,	John W. Johnson,	W. L. Vories,
William P. Duvall,	A. L. Martin,	Ben. J. Webb,
W. McKee Fox,	A. L. McAfee,	Emery Whitaker,
W. W. Frazer,	Alfred T. Pope,	Thos. Wrightson—21.

Those who voted in the negative, were—

Jesse C. Gilbert,	Wm. Johnson,	O. D. McManama—4.
Edwin Hawes,		

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to regulate the sale of spirituous or other intoxicating liquors.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That, in addition to any covenant now required by law, all tavern-keepers, coffee-house keepers, distillers, brewers, vintners, and other persons engaged in retailing spirituous or other intoxicating liquors, shall, before selling any such liquors, go before the county court of the county in which the retailing or selling is proposed to be done, and, in open court, execute covenant to the Commonwealth, with good and sufficient surety, to be approved by the court, in substance as follows: "We, A. B., principal, and C. D., his surety, do hereby covenant and agree, to and with the Commonwealth of Kentucky, that the said A. B. will not sell or give, or cause to be sold or given, any spirituous or intoxicating liquor to any person who is at the time acting in a disorderly way, or who is intoxicated; and that he will not sell or give, or cause to be sold or given, any such liquor to any minor, imbecile, or inebriate, in violation of any law of this Commonwealth; and that he will pay to any person aggrieved, or to his or her heir or personal representative, such damages as may be occasioned by and recovered for a violation of any condition or stipulation of this covenant. Given under our hands, this day of ."

§ 2. The parent or child of an inebriate, the parent or guardian of a minor, and the trustee or committee of an imbecile, and any person injured in his or her person or property in consequence of a violation of any duty imposed under this act, or his or her heir or personal representative, may maintain an action on said covenant, and recover such damages as may be awarded by the verdict of a jury or judgment of a court. And should no other action be instituted, it shall be the duty of the county attorney to institute and prosecute the action for a breach of said covenant, for the benefit of the children of the inebriate, or for the benefit of such minor or imbecile.

§ 3. If any person required by the first section of this act to execute the covenant, as therein provided, shall willfully neglect or refuse to execute the same, he shall be fined fifteen dollars for each day he so neglects or refuses to execute said covenant.

§ 4. Whoever shall knowingly sell any factitious or adulterated spirituous or intoxicating liquors, containing any poisonous or unwholesome drug, or other poisonous or unwholesome material, except alcohol and other constituent properties of pure liquors, shall be fined not less than twenty nor more than one thousand dollars for each offense.

Mr. Gilbert then moved to amend said bill as follows, viz:

Amend section one by striking out all after the enacting clause, down to, and including, the word "follows," in the seventh line, and insert in lieu thereof the following: All persons hereafter obtaining a license to retail distilled spirits, wine, or malt liquors, shall execute in the county court of the county where such license is obtained a covenant to the Commonwealth of Kentucky, with good security, to be approved by the court, in substance as follows, viz.

Which was adopted.

On motion of Mr. Gilbert, the first section was further amended by adding thereto the following, viz:

And no license to retail, as aforesaid, shall be granted until such covenant is executed.

Mr. Hargis then moved to amend said bill by adding thereto the following additional section, viz:

No person having a license to sell distilled spirits, wine, or malt liquors, shall sell in any quantity any spirituous, vinous, or malt liquors on the Sabbath day. A violation of this section shall be punished by fine of fifty dollars, recoverable by indictment before a grand jury, or before any court having jurisdiction of the amount by warrant.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	O. D. McManama,
Wm. L. Conklin,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	J. B. Haydon,	A. G. Talbott,
William P. Duvall,	John W. Johnson,	W. L. Vories,
W. McKee Fox,	Wm. Johnson,	Emery Whitaker,
W. W. Frazer,	A. L. Martin,	Thos. Wrightson—18.

Those who voted in the negative, were—

Jesse C. Gilbert,	I. L. Hyatt,	Ben. J. Webb—5.
Edwin Hawes,	Alfred T. Pope,	

Mr. Whitaker then moved to amend the bill as follows, viz:

Section two, line five, after the word "recover," and before the word "such," insert the following: "thereon as often as any of the offenses named in the act may occur."

Which was adopted.

On motion, the third section of the bill was then stricken out.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Thomas F. Hargis,	O. D. McManama,
Wm. L. Conklin,	Edwin Hawes,	W. H. Sneed,
John E. Cooper,	J. B. Haydon,	A. G. Talbott,
William P. Duvall,	John W. Johnson,	W. L. Vories,
W. McKee Fox,	William Johnson,	Emery Whitaker,
W. W. Frazer,	A. L. Martin,	Thos. Wrightson—19.
D. R. Haggard,		

Those who voted in the negative, were—

Jesse C. Gilbert,	Alfred T. Pope,	Ben. J. Webb—4.
I. L. Hyatt,		

Resolved, That the title of said bill be as aforesaid.

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes.

The twenty-fifth chapter was amended and adopted.

The twenty-sixth chapter, as before, was adopted.

The twenty-seventh chapter was, as before, adopted.

The twenty-eighth chapter was amended and adopted.

Pending the consideration of the twenty-ninth chapter, the Senate adjourned.

SATURDAY, MARCH 15, 1873.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act to authorize Samuel Salyer, of Magoffin county, to adopt John P. Siner as a legal heir-at-law.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to amend an act, entitled "An act for the protection of livery stable-keepers in this Commonwealth," approved January 31st, 1871.

2. An act to repeal so much of an act, entitled "An act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson, as applies to the counties of Cumberland, Clinton, Adair, Russell, and Todd."

3. An act for the benefit of John L. Slavin, former sheriff of Garrard county.

4. An act to amend an act to add part of Adair to Casey county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on the Judiciary; the 2d and 4th to the Committee on Propositions and Grievances, and the 3d to the Committee on Finance.

On motion, indefinite leave of absence was granted Messrs. Frazer, Gatewood, Hale, Holt, and Dorman.

Mr. Haggard presented the petition of Chas. Kirtley, of Mount Vernon, in Rockcastle county, praying an amendment to the prohibition law of said town.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

Mr. Prichard moved the following resolution, viz:

Resolved, That when the Senate adjourns to-day it will adjourn to meet Monday morning next at 10 o'clock, instead of 9 o'clock.

Which was twice read and adopted.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, March 15, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

Wm. Ryan, Jefferson county.
Rowan Buchanan, Jefferson county.
Wm. Egelhoff, Jefferson county.
Willis P. Bush, Barren county, for State at large.
F. Lee Wilkinson, Simpson county.
R. C. Green, Boone county.
Joseph H. Chandler, Taylor county.
Jacob Yeager, Trimble county.
Wm. M. Riggs, Metcalfe county.
L. L. Tiller, Gallatin county.
C. L. C. Herndon, Fayette county.
Andrew E. Owen, Christian county.
Wm. M. Webb, Trimble county.
Wm. L. Poynter, Barren county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend an act for the benefit of the Carlisle and Jackstown Turnpike Road Company, upper route, approved December 20th, 1871.

And the question being taken on concurring in said amendment, it was decided in the affirmative.

Messrs. Wrightson and Vories were appointed a committee on the part of the Senate, to act in conjunction with a similar committee from the House of Representatives, to withdraw, unsigned, from the hands of the Governor, a bill, which originated in the House of Representatives, entitled

An act for the benefit of Cold Spring school district, in Campbell county.

After a short time, Mr. Wrightson reported that the committee had performed that duty, and said bill was handed in at the Clerk's desk.

On motion of Mr. Vories, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of said bill.

Which was granted.

Mr. Vories then moved to reconsider the vote by which the Senate had passed said bill.

And the question being taken thereon, it was decided in the affirmative.

The vote ordering said bill to be read a third time, as also that dispensing with the 3d reading of said bill, was reconsidered.

Mr. Vories then proposed an amendment to said bill,

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. J. W. Johnson—

A bill to incorporate the town of Beaver Dam, in Ohio county.

On motion of same—

A bill to authorize the commissioners to sell the old poor-house property in Ohio county.

On motion of Mr. Cooper—

A bill to furnish Magoffin and Lee counties with certain public books that have never been furnished them.

Ordered, That the Committee on Propositions and Grievances prepare and bring in said bills.

The following bills were reported from the several committees directed to prepare and bring in the same, viz :

By Mr. Barlow, from the Committee on Claims—

1. A bill for the benefit of A. H. Ditto, committee of Polly Miller, a pauper idiot of Henry county.

By same—

2. A bill for the benefit of Wm. Pollard, committee of Eliza Pollard, a pauper idiot of Henry county.

By Mr. Gilbert, from the Committee on Courts of Justice—

3. A bill to repeal an act amending the charter of Nicholasville, approved January 6th, 1871.

By Mr. Darby, from the Committee on Courts of Justice—

4. A bill for the benefit of the Jessamine County Journal.

By Mr. Conklin, from the Committee on Finance—

5. A bill for the benefit of Belleville H. Herndon.

By Mr. Sneed, from the Committee on Finance—

6. A bill for the benefit of R. W. Lawler, jailer of Franklin county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

7. A bill to amend the articles of incorporation of the Irish Building and Loan Association.

By Mr. Sneed, from the Committee on Education—

8. A bill to amend the charter of the town of Cynthiana, in Harrison county.

By Mr. Martin, from the Committee on Education—

9. A bill for the benefit of George W. Sewell, common school commissioner of Breathitt county.

By Mr. Pope, from the Committee on the Judiciary—

10. A bill for the benefit of the Louisville Medical College.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

11. A bill authorizing the Wolfe circuit court to allow certain guard claims, and directing the Auditor of Public Accounts to pay the same.

By Mr. Casey, from a select committee—

12. A bill to amend the charter of the city of Covington.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 4th was recommitted to the Committee on Courts of Justice, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Darby, from the Committee on Courts of Justice, reported a bill, entitled

A bill for the benefit of keepers of licensed stud horses, jacks, and bulls.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Talbott moved an amendment to said bill, which was adopted.

Mr. Wm. Johnson also moved an amendment to said bill, which was adopted.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Whitaker, from the committee appointed on the part of the Senate to confer with the Commissioners appointed to revise the Civil and Criminal Codes of Practice, and learn what progress they had made upon said work, and when they would be ready to report, read and laid before the Senate the following report, viz:

The undersigned were appointed a committee of the Senate to ascertain from the Commissioners appointed to revise the Civil and Criminal Code of Practice, and learn what progress they had made, and when they would be ready to report, have performed the duty assigned them, and received from said Commissioners a communication, in writing, which is herewith presented, as part of this report, which is respectfully reported to the Senate.

EMERY WHITAKER,
THOS. F. HARGIS.

FRANKFORT, January 16, 1873.

Messrs. Emery Whitaker and Thos. F. Hargis:

GENTLEMEN: In reply to inquiries which, as members of a committee of the Senate, you made of us this afternoon, we state, that though the law under which we were appointed to revise the Civil and Criminal Codes of Practice does not fix a time for the end of our work, we hoped when we began the work that we could end it before the beginning of this session of the Legislature, and we tried to do so.

But the work requires much more labor than we anticipated; and, although we have made considerable progress, we are convinced that we cannot, during the present session, report a revision which would be satisfactory to us or useful to the State; and we believe that our duty to the State requires us to prepare the work as well as we can, and to take such time as may be necessary for that purpose.

We also believe, that before the work is reported to the Legislature, it ought to be examined by the Judges of the Court of Appeals, and that, if it should be approved by them or by a majority of them, it ought to be printed, with a number of copies for gratuitous distribution to members of the bar, in order to elicit criticism. The Legislature has not authorized the printing of our report. We would be glad if you would call the attention of the Senate to this subject.

Very respectfully,

R. A. BUCKNER,
J. F. BULLITT.

Mr. Prichard then read and laid on the table the following resolution, viz:

WHEREAS, The Commissioners appointed to revise the Civil and Criminal Codes of Practice have not acted jointly with the Commissioners on Statute revision, as provided for by act creating said commission, and have not made report to this Legislature of the work done by them; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That so much of the act approved 8th March, 1872, as authorizes the revision of the Civil and Criminal Codes of Practice, be, and the same is hereby, repealed; and the Auditor of Public Accounts is authorized to adjust and pay the just claim of any Commissioner for services rendered by him under the provisions of said act hereby repealed.

Mr. Hargis, from the Committee on the Judiciary, reported a bill, entitled

A bill to amend chapter 102, entitled "Treasury Warrant Claims," of the Revised Statutes.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That section 3 of chapter 102, entitled "Treasury Warrant Claims," be so amended as to allow any person, on application, as in said section required, to obtain only one order of court in any one year, authorizing him to enter and survey any number of acres of such land in the country, not exceeding two hundred acres; and no person shall enter and survey more than two hundred acres of such land in any one county in any one year.

§ 2. That subsection nine (9) of said section 3 of said chapter be, and the same is hereby, repealed, and in lieu thereof it is enacted, that a plat and certificate of survey shall not be assignable.

Mr. Martin then moved to amend said bill as follows, viz:

This act shall only apply to the counties of Nicholas, Fleming, Rowan, Carter, Morgan, Johnson, Wolfe, Breathitt, Owsley, Lee, Elliott, and Magoffin.

And the question being taken on the adoption of said amendmen it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	Alfred T. Pope,
G. W. Connor,	D. R. Haggard,	K. F. Prichard,
John E. Cooper,	John W. Johnson,	W. H. Sneed,
F. W. Darby,	Wm. Johnson,	A. G. Talbott,
W. McKee Fox,	A. L. Martin,	W. L. Vories—15.

Those who voted in the negative, were—

Thomas F. Hargis,	J. B. Haydon,	Emery Whitaker—5.
Edwin Hawes,	Ben. J. Webb,	

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Barlow, from the Committee on Claims, to whom had been referred leave to bring in a bill, entitled

A bill for the benefit of C. S. Mergell,

Asked to be discharged from the further consideration of the leave.

Which was granted.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Martin, from the Committee on Education—

An act for the benefit of school district No. 17, Pendleton county;

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to amend the charter of the town of Brooksville, in Bracken county;

By Mr. Prichard, from the Committee on the Judiciary—

An act to create a lien in favor of real estate agents in certain localities;

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act authorizing the steam mills in Carter county to take the one sixth of all the grain ground at said steam mills for toll;

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to provide for the collection of delinquent taxes in Marion county;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Central Kentucky Coal and Mining Company.

By same—

An act to incorporate the Agricultural and Mechanical Association of the Colored People of Bourbon county.

By same—

An act to incorporate the St. Joseph's Catholic Benevolent Society, of Frankfort.

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to charter the Hustonville Cemetery Company.

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of Jeremiah Overton, an idiot, of Wayne county.

By same—

An act for the benefit of J. F. Hatten, committee of George Clay, an idiot, of Lawrence county.

By same—

An act for the benefit of John M. Hunley, committee of Henry Yarbro, an idiot, of Lawrence county.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act in relation to the assessment and collection of turnpike taxes in Lewis county.

By same—

An act in relation to granting tavern license in the Vanceburg election precinct, in Lewis county.

By same—

An act to abolish the quarterly court in Ballard county.

By Mr. Conklin, from the Committee on Finance—

An act for the benefit of John E. Abbott, administrator of D. C. Doran, late sheriff of Hart county.

By Mr. Conklin, from the Committee on Revised Statutes and Codes of Practice—

An act to authorize the trustees of Russellville to appoint an inspector and weigher of coal.

By Mr. Sneed, from the Committee on Finance—

An act for the benefit of Henry C. Fitzpatrick, collector of the revenue of Floyd county for the year 1870.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Maysville Coal, Salt, and Transfer Company.

By Mr. Sneed, from the Committee on Education—

An act for the benefit of school district No. 5, in the county of Barren.

By same—

An act for the benefit of the common schools of Johnson county.

By same—

An act for the benefit of school district No. 44, in Campbell county.

By same—

An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to incorporate the Antioch and Burdett's Mill Turnpike Road Company, in Garrard county.

By same—

An act in regard to turnpike roads in Garrard county in which said county owns stock.

By same—

An act to amend an act, entitled "An act to incorporate the Blandville and Cairo Turnpike Road Company," approved March 6th, 1868.

By same—

An act for the benefit of the unfinished turnpike roads in Henry county.

By same—

An act in relation to the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company.

By same—

An act to amend an act, entitled "An act to incorporate the Hodgenville and Elizabethtown Turnpike Road Company," approved March 9th, 1868.

By Mr. Haggard, from the Committee on Internal Improvement—

An act to amend the charter of the Carrollton and Eagle Creek Turnpike Road Company.

By Mr. Wm Johnson, from the Committee on the Judiciary—

An act to amend the charter of the town of Elizabethtown.

By same—

An act to amend the charter of the town of Germantown, in Bracken and Mason counties.

By Mr. Hargis, from the Committee on the Judiciary—

An act to authorize the jailer of Fayette county to appoint an additional deputy jailer.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act for the benefit of Gabe Hays, of the county of Breathitt.

By same—

An act to authorize the trustees of the town of Columbia to sell and convey part of Jefferson alley, in said town.

By same—

An act to define the boundary line between the counties of Rockcastle and Jackson.

By same—

An act authorizing the county court of Butler county to establish a ferry on Green river, in said county.

By same—

An act for the benefit of Amos Davis, sheriff of Morgan county.

By same—

An act to authorize the county courts of Scott and Franklin counties to compel persons to keep stock off of the public roads.

By same—

An act to declare War creek, in Breathitt county, a navigable stream.

By same—

An act to provide for defining and marking the line between the counties of Crittenden and Caldwell.

By same—

An act for the benefit of H. W. Eggleston, of Kenton county.

By same—

An act to fix the boundary of the town of Mt. Sterling, in Montgomery county.

By same—

An act to permit John Williams to erect a mill-dam across Troublesome creek, in Perry county.

By Mr. Martin, from the Committee on Education—

An act for the benefit of common school district No. 24, in Larue county.

By same—

An act to amend the charter of the Lebanon Female College.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to amend an act, entitled "An act for the protection of livery stable-keepers in this Commonwealth," approved January 31st, 1871.

With amendments to the last three named bills.

Which were adopted.

Ordered, That said bills, the last three named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Talbott read and laid on the table the following joint resolutions, viz:

WHEREAS, The Congress of the United States, by an act approved 3d March, 1871, the State of Virginia, by a joint resolution approved 23d March, 1871, and various other States, by previous action, have made provision for an International Exhibition of Arts, Manufactures, and Products of the Soil and Mines of this Country, in celebration of the 100th Anniversary of American Independence, and designating the city of Philadelphia, in the State of Pennsylvania, as the point at which this commemorative event shall transpire; and whereas, the State of Virginia, by special expression, has invoked such States as were once a part of her territory to a free and full co-operation in this measure; and whereas, Kentucky being first-born to the Mother of States, and holding with jealous enthusiasm the knowledge of her parentage, proud in her heritage of blood, and rich in the endowment which nature has lavished upon her, knowing her vast resources of agriculture, mineral, and intellectual wealth, always anxious for its development; therefore, be it

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That we heartily indorse the action of Congress, and the several States acting independently in the premises, and commend to the people of our sister States, formerly a part of the Colony of Virginia, the propriety of like expression.

2. That we believe the successful holding of this Convention, at the point specified, will not only operate favorably in the development of our State and National resources, but do much toward cementing the ties of our Federative compact.

3. That we also commend to the people of Kentucky the necessity of preparing for this event, and urge upon them the propriety of being fully represented in all their resources of wealth and industry.

4. That our Senators and Representatives in Congress are hereby requested to favorably consider all measures of National Legislation necessary to make the Exhibition worthy of the occasion and a credit to the American people.

5. That the Governor is hereby requested to cause copies of this preamble and resolutions to be sent to each of our Senators and Representatives in Congress.

On motion, the rule requiring said resolutions to lie one day on the table was suspended.

Said resolutions were then taken up, twice read, and adopted.

On motion, Mr. Conklin, was excused from further service on the Joint Committee on the Revision of the Statutes.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of James Walters, committee of Polly Plewman, an idiot, of Estill county;

An act to amend the charter of the Frankfort Lumber, Brick, and Implement Manufacturing Company;

An act to authorize the city of Hickman to subscribe and pay for stock in the Mississippi River Levee Company;

An act to define the boundary line of the town of Prestonsburg, and submitting to a vote of the citizens thereof the question of regulating the sale of spirituous and vinous liquors therein;

An act to authorize Wm. A. Varney to erect a mill-dam across Pond creek, in Pike county;

An act for the benefit of Wm. E. Paul, jailer of Cumberland county;

An act for the benefit of Andrew Raney, of Estill county;

An act to amend an act, entitled "An act to amend and reduce into one the several acts respecting the town of Hickman," approved March 10th, 1854;

An act to incorporate the Pomeroy Coal Company;

An act empowering the board of trustees of the town of Ashland to purchase lands and establish a public park;

An act to incorporate the Tobacco Bank and Warehouse Company, of Covington;

An act to authorize the Grant county court to sell the poor-house farm in said county;

An act to amend the charter of the Spring Station Railway Company;

An act to incorporate the Owingsville Depot Turnpike Road Company, in Bath county;

An act for the benefit of Farish Arnett, sheriff of Magoffin county;

An act to change the time of holding the county court of Jessamine county;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act in relation to the accounts of the trustees of the Henry Female College and Henry Male Academy, and the lottery privilege connected therewith;

An act to amend the revenue laws of this Commonwealth;

An act to incorporate the Mechanics' Loan and Building Association, of Lexington;

An act to provide for an interpreter for the Louisville chancery court and the Jefferson court of common pleas;

An act for the benefit of W. E. Clelland, late sheriff of Mercer county;

An act to amend an act, entitled "An act to tax railroads, turnpikes, and other corporations in aid of the Sinking Fund," approved February 20th, 1864;

An act declaring Wolf river a navigable stream;

An act for the benefit of the New Liberty and Owenton Turnpike Road Company;

An act for the benefit of the New Liberty Branch Turnpike Road Company;

An act authorizing the sale of the poor-house farm in Webster county;

An act to direct the running and re-marking the line between the counties of Franklin and Woodford;

An act to amend an act, entitled "An act to incorporate the Bank of Trenton, in Todd county," approved March 25th, 1872;

An act to amend the charter of the Louisville and Nashville Railroad Company;

An act to amend an act, entitled "An act to charter the Young Men's Real Estate, Building, and Accumulating Association, of Louisville," approved March 28th, 1872;

An act to amend an act, entitled "An act authorizing the Harrison county court to appropriate money to aid in building a bridge across main Licking at Claysville, and to levy a tax therefor," approved March 21st, 1872;

An act to amend the charter of the Louisville Baptists' Orphans' Home;

An act to legalize certain acts of the Mercer county court;

An act to change a part of the eastern boundary of the town of Harrodsburg;

An act to incorporate the Ashland and Catlettsburg Street Railway and Transfer Company;

An act to incorporate the Rodger's Mill and Hinkston Bridge Turnpike Road Company;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

MONDAY, MARCH 17, 1873.

Hon. Wm. Johnson, presiding.

A message was received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to prohibit the sale of spirituous liquors in Monroe county.

An act to authorize the trustees of the Stanford Male and Female Seminary to sell part of their lands, and invest the proceeds.

An act to provide for the transcribing in the county court clerk's office the original survey, plats, and certificates of Morgan county.

An act to authorize the Carter county court to levy an ad valorem tax for bridge purposes.

An act to enlarge the corporate limits of the town of Monticello.

An act to amend the charter of the Springfield and Chaplin Turnpike Road Company.

An act legalizing certain proceedings of the Washington county court.

An act to amend an act, entitled "An act to prevent and punish certain trespasses in Scott and Woodford counties," approved March 26th, 1872.

That they had passed a bill, entitled

An act for the benefit of school district No. 5, in Ballard county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the Committee on Courts of Justice.

Mr. Whitaker presented the petition of sundry citizens of Mason county, praying the passage of an act in relation to the district in said county through which the Minerva and Beasley Creek Turnpike Road runs.

Which was received, the reading dispensed with, and referred to the Committee on Internal Improvement.

Mr. Martin moved to reconsider the vote by which the Senate had, on Saturday last, passed a bill, entitled

An act to amend chapter 102, entitled "Treasury Warrant Claims," of the Revised Statutes.

Which motion was adopted.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, was dispensed with.

Mr. Martin then proposed an amendment to said bill.

Pending the consideration of which amendment, on motion,

Ordered, That the further consideration of said bill and proposed amendment be postponed until to-morrow at 10 o'clock, A. M.

Mr. Prichard moved to reconsider the vote by which the Senate had, on yesterday, disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to amend the charter of the town of Brooksville, in Bracken county.

Which motion was simply entered.

On motion of Mr. Wm. Johnson, indefinite leave of absence was granted Mr. Haydon.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to incorporate the Board of Trustees of the Kentucky Annual Conference of the Methodist Episcopal Church.

By same—

An act to prohibit the granting of license for the sale of spirituous, vinous, or malt liquors in the town of Butler, or within one mile thereof.

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of J. T. Freeman, of Whitley county.

By same—

An act for the benefit of John H. Pemberton, of Whitley county.

By same—

An act for the benefit of James Wills, sr., of Menifee county.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act in relation to the city of Vanceburg.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Press Printing Company.

By same—

An act to incorporate the Covington Mining and Manufacturing Company.

By same—

An act to incorporate the Buffalo Furnace Company.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act authorizing the Lewis county court to levy an additional tax to pay off the debts of said county, and to aid in the building of turnpike roads in said county.

With an amendment to the last named bill.

Which was adopted.

Ordered, That said bills, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Haggard—

1. A bill to appropriate money for the relief of the poor widows and orphans of the town of Lawrenceburg, in Anderson county.

On motion of Mr. Gilbert—

2. A bill to increase the jurisdiction of the justices of the peace in Ballard county.

On motion of Mr. McAfee—

3. A bill to amend the charter of the Lexington and Newtown Turnpike Road Company.

On motion of Mr. Casey—

4. A bill to incorporate the Ohio River and Red River Packet Company.

Ordered, That the Committee on Propositions and Grievances prepare and bring in the 1st; the Committee on Courts of Justice the 2d; the Committee on Internal Improvement the 3d, and the Committee on Agriculture and Manufactures the 4th.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act for the benefit of the Louisville Industrial Exposition, and to amend the charter thereof.

Ordered, That said proposed amendment be referred to the Committee on the Judiciary.

The following bills were reported from the several committees directed to prepare and bring in the same, viz :

By Mr. Talbott, from the Committee on Railroads—

A bill to incorporate the Tug River Coal Railroad Company.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to increase the jurisdiction of justices of the peace in Ballard county, and to regulate appeals from their courts.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was amended.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Sneed read and laid on the table a joint resolution, entitled

Resolution for the relief of the sufferers of Lawrenceburg by the late fire.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report.

Mr. Webb, from the Committee on Agriculture and Manufactures, reported a bill, entitled

A bill to incorporate the Ohio and Red River Packet Company.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Pending the further consideration of said bill, the hour arrived for taking up the report of the Joint Committee on the Revision of the Statutes.

The question pending at the last adjournment was on the adoption of the amendment proposed by the committee to section two, article seventeen, striking out "two," as proposed by the Commissioners, and inserting "three."

And the question being taken thereon, it was decided in the affirmative.

The fifth section of article five was then amended.

On motion of Mr. Prichard, the first section of article twenty-three (circuit courts) was stricken out.

The last article (twenty-four) of chapter twenty-nine was passed over.

The Senate then took up chapter thirty, which is "Crimes and Punishments"

Mr. Hargis then moved to amend section seventeen of article one as follows, viz:

At the close of the section, after the word "contempt," strike out the words, "the claimant shall be adjudged to pay the costs of the proceeding," and insert in lieu thereof the words, "the costs of the proceedings shall be paid by the claimant, for which he may have judgment and execution against the party stealing the property."

Which was adopted.

Mr. Hargis then moved to amend section five as reported by the Commissioners, but now section three, by adding thereto the following: "or confinement in the Penitentiary for life, in the discretion of the jury."

Mr. Haggard then moved to amend the amendment proposed by Mr. Hargis, so as to make the section read as follows, viz:

If any person be guilty of willful murder, he shall be punished by confinement in the Penitentiary for life.

And the question being taken thereon, it was found that there was no quorum present.

And then the Senate adjourned.

TUESDAY, MARCH 18, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to incorporate a Steam Ferry Company at the head of Island No. 1, on the Mississippi river, in Ballard county.

2. An act to incorporate the Union Agricultural and Mechanical Association, near Fort Jefferson, in Ballard county.

3. An act to authorize the Anderson county court to issue bonds and levy a tax for the relief of certain citizens of Lawrenceburg.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 2d to the Committee on Courts of Justice, and the 3d was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Haggard was added to the Committee on Penitentiary and House of Reform.

Mr. Hargis was added to the Joint Committee on the Revision of the Statutes, to fill the vacancy on said committee occasioned by the resignation of Mr. Conklin from said committee.

Mr. Haggard presented the remonstrance of sundry citizens of Burksville, against the repeal of an act prohibiting the sale of spirituous liquors in said town.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to authorize the county court of Whitley county to increase taxes for county purposes.

By same—

An act to enable the county court of Laurel county to levy an ad valorem tax for the purpose of building a new jail, and for other purposes.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act to repeal so much of an act, entitled "An act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson, as applies to the counties of Cumberland, Clinton, Adair, Russell, and Todd."

By Mr. Whitaker, from the Committee on Banks and Insurance—

An act to amend the charter of the Manufacturers' Bank.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act to amend an act to add part of Adair to Casey county.

By same—

An act to repeal an act, entitled "An act to change the lines between the counties of Letcher and Harlan."

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to amend an act, entitled "An act to incorporate the trustees of the Lancaster Presbyterian Church."

By same—

An act to prohibit the sale of spirituous, vinous, or malt liquors near Trigg Furnace, in Trigg county.

By same—

An act to amend an act to prohibit the sale of spirituous and intoxicating liquors in Rockcastle county, approved March 1st, 1870.

By Mr. Hawes, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Mount Zion Church, Clark county.

By same—

An act to allow the bona fide voters of the Garnettsville district, in Meade county, to vote for or against the sale of spirituous, vinous, and malt liquors in said district.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous liquors or intoxicating beverages in Greenup county.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Prichard moved to reconsider the vote by which the Senate had passed the last named of said bills.

Which motion was simply entered.

Mr. John W. Johnson, from the Committee on Religion and Morals, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to repeal an act, entitled "An act to prohibit the sale of intoxicating liquors at the Falls of Rough, in Grayson county, or within five miles thereof,"

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, March 18, 1873.

Gentlemen of the Senate:

I nominate for your advice and consent Harry C. Truman, of Jefferson county, as a suitable person to be commissioned a notary public for Jefferson county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nomination.

The Senate resumed the consideration of the unfinished report from the Committee on Agriculture and Manufactures, which was cut off by the special order on yesterday, viz:

A bill to incorporate the Ohio and Red River Packet Company.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Talbott, from the Committee on Railroads—

A bill to incorporate the Rockcastle Railway Company.

By Mr. Sneed, from the Committee on Finance—

A bill authorizing the city council of Frankfort to make a subscription to the Lawrenceburg sufferers.

By Mr. Wrightson, from the Committee on Railroads—

A bill to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Kentucky and Great Eastern Railway Company.'"

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Prichard, from the Committee on Penitentiary and House of Reform, reported a bill, entitled

A bill to pay for the erection of stable for use of Penitentiary.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, The extension of the walls of the Penitentiary, and the erection of buildings in the space thereby inclosed, as provided for by act of the General Assembly of 1872, to provide for the erection of a prison for females, &c., approved March 2d, 1872, necessitated the removal of the stable belonging to the Penitentiary, and used by J. W. South, Lessee and Keeper, and compelled him to erect a stable, which he has done, on ground pertaining or belonging to the Penitentiary; and whereas, there remains, unexpended, of the appropriations for the construction of a block of warehouses for the use of the Penitentiary, approved March 13th, 1871, the sum of $4,762 34, and of the appropriation to provide for the erection of a prison for females, &c., approved March 2d, 1872, about the sum of $2,909 45; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That J. W. South, Lessee and Keeper of the Penitentiary, be paid by the

Treasurer of the State, on the warrant of the Auditor, the sum of eighteen hundred and fifty-eight dollars and seventy-six cents, for the erection of this stable, out of these unexpended sums.

§ 2. This act to take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	K. F. Prichard,
R. A. Burton,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	I. L. Hyatt,	A. G. Talbott,
F. W. Darby,	John W. Johnson,	W. L. Vories,
William P. Duvall,	William Johnson,	Ben. J. Webb,
W. McKee Fox,	A. L. McAfee,	Emery Whitaker,
John J. Gatewood,	Alfred T. Pope,	Thos. Wrightson—22.
Jesse C. Gilbert,		

In the negative, Edwin Hawes—1.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration the resolution introduced by Mr. Sneed on yesterday, entitled

Resolution for the relief of the sufferers of Lawrenceburg by the late fire.

Said resolution reads as follows, viz:

WHEREAS, It has been made known to this General Assembly that on Saturday, the 15th inst., at 12 o'clock, M., the town of Lawrenceburg, in the county of Anderson, was visited by a most disastrous fire, resulting in the destruction of sixty-odd houses, occupied as dry goods stores, groceries, and family residences, leaving standing only fifteen houses in said town; and whereas, by reason of said fire more than forty families amongst the poorer classes of said town have been rendered homeless, with an almost total destruction of their family wearing apparel, beds and bedding, and other necessaries of life, therefere,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of the Public Treasury, for the relief of such suffering and destitute persons; that the Auditor of Public Accounts be, and he hereby is, directed and authorized to draw his warrant on the Treasurer in favor of Hon. W. F. Bond, W. E. Bell, Drs. Jas. R. Chambers, and John A. Witherspoon, and James E. McCown, for the aforesaid amount; and they are hereby empowered to receive and expend the same for the purposes aforesaid, having due regard to equity and the pecuniary condition of the respective sufferers; and that they report to this General Assembly the manner in which the money has been expended by them.

Mr. Hargis moved to amend said resolution by adding thereto the following as an additional resolution, viz:

Resolved further, In order to aid the sufferers from the late fire in Carlisle, in Nicholas county, that the sum of twenty-five hundred dollars

($2,500) be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the use and benefit of the poor of said town of Carlisle, whose property was burned in said fire, which shall be drawn out of the Treasury and paid over to all persons affected by said fire, and who have not a support left by reason thereof, in the same manner as above provided for the sufferers of Lawrenceburg. F. E. Congleton, Wm. Norvell, and John A. Campbell, are appointed to receive, draw, and distribute said $2,500 to the said unfortunate people of Carlisle, in the same manner as above directed in the distribution to the people of Lawrenceburg.

The question was then taken on the adoption of the amendment proposed by Mr. Hargis, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hargis and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

G. W. Connor,	Thomas F. Hargis,	A. G. Talbott,
John E. Cooper,	I. L. Hyatt,	W. L. Vories,
F. W. Darby,	Wm. Johnson,	Ben. J. Webb,
John J. Gatewood,	Alfred T. Pope,	Emery Whitaker,
Jesse C. Gilbert,	K. F. Prichard,	Thos. Wrightson—15.

Those who voted in the negative, were—

John S. Barlow,	William P. Duvall,	John W. Johnson,
Robert Boyd,	D. R. Haggard,	A. L. McAfee,
R. A. Burton,	Edwin Hawes,	W. H. Sneed—10.
James B. Casey,		

The question was then taken on the adoption of the resolution introduced by Mr. Sneed, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	K. F. Prichard,
Robert Boyd,	D. R. Haggard,	W. H. Sneed,
R. A. Burton,	Thomas F. Hargis,	A. G. Talbott,
James B. Casey,	I. L. Hyatt,	W. L. Vories,
G. W. Connor,	John W. Johnson,	Ben. J. Webb,
John E. Cooper,	Wm. Johnson,	Emery Whitaker,
William P. Duvall,	A. L. McAfee,	Thos. Wrightson—23.
John J. Gatewood,	Alfred T. Pope,	

Those who voted in the negative, were—

F. W. Darby, Edwin Hawes—2.

Resolved, That the title of the resolution be amended to read,

Resolution for the relief of the sufferers of Lawrenceburg and Carlisle by fires which have recently occurred in said towns.

The Senate took up for consideration a bill, entitled

A bill for the protection of counties, cities, &c., subscribing stock in railroads, turnpikes, and other improvements.

Said bill was then amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, It is according to the established law of this Commonwealth to require sheriffs, tax collectors, and other public officers elected by the people, whose duty it is or whose position requires them to handle the public money and property of the people, to give bond for the faithful discharge of their duty, and to faithfully and honestly account for the people's money; and whereas, many counties, cities, towns, and precincts have subscribed stock, and many more may hereafter subscribe for stock, in aid of building railroads and other public improvements; and whereas, there is now no positive law requiring railroad presidents, railroad companies, or other persons whose duty it is or whose position may enable them to get possession of stock or bonds or other property so subscribing, to give any bond or to take any obligation to faithfully and honestly apply the same; and whereas, there is nothing in the position of said railroad presidents, railroad directors, or other persons, which should exempt them from entering into the same obligations as public officers elected by the people For remedy whereof,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, before it shall be lawful for any county judge or other person whose duty it is to issue the bonds of any county, city, town, or precinct in payment of any stock subscribed by any county, city, town, or precinct in aid of any railroad company, turnpike road company, or other public improvement, the person or company to whom such bonds are to be delivered or money paid shall enter into a covenant, with good solvent and sufficient securities, payable to the Commonwealth of Kentucky for the use of such county, city, town, or precinct, and conditioned that said bonds or money so issued and delivered shall be faithfully and honestly applied to the object for which the same was originally subscribed, and for which said bonds were issued or said money or appropriation voted; and it shall be the duty of said company, on or before the first day of January in each year, after the commencement of the construction of the enterprise to which such subscribtion was made, to furnish to the county court of any county, and the authorities of any city or town making said subscription, a balance sheet, showing the receipts and disbursements of said company of said county or city subscription, and how disbursed during the preceding year. For any breach of said bonds or covenant an action may be maintained in any court in this Commonwealth having jurisdiction of the subject in the name of the Commonwealth, for the use of the agreeing county, city, town, or precinct; and all damages recovered and collected in the same manner as other covenants are enforced and damages recovered in this Commonwealth.

§ 2. The fraudulent appropriation of any bonds, stocks, money, or property subscribed and paid to any person whose duty it is, as president, treasurer, or any other person concerned in any railroad company, or other company or public improvement, shall be a felony; and the person convicted of the same shall be confined in the State Penitentiary not less

than two nor more than twenty years; and shall be, moreover, liable upon his bond, if one has been given, for the amount so fraudulently appropriated, and individually liable for the same whether any bond has been given or not.

§ 3. All acts in conflict with this act are repealed.

§ 4. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act for the benefit of the Farmers' Bank of Kentucky,

Together with the amendments heretofore proposed.

Said bill was then amended

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes.

Mr. Haggard withdrew his proposed amendment to section five (as reported by Commissioners) of article three of chapter thirty.

The question was then taken on the adoption of the amendment proposed by Mr. Hargis to said section, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hargis and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	D. R. Haggard,	K. F. Prichard,
James B. Casey,	I. L. Hyatt,	W. L. Vories,
John E. Cooper,	Alfred T. Pope,	Ben. J. Webb—10.
Jesse C. Gilbert,		

Those who voted in the negative, were—

John S. Barlow,	Thomas F. Hargis,	W. H. Sneed,
F. W. Darby,	Edwin Hawes,	A. G. Talbott,
William P. Duvall,	John W. Johnson,	Emery Whitaker,
W. McKee Fox,	Wm. Johnson,	Thos. Wrightson—14.
John J. Gatewood,	A. L. McAfee,	

The question was then taken on the adoption of the amendment proposed by the joint committee to the fourteenth section of article four, and it was decided in the negative.

So said section stands as reported by the Commissioners.

It was then proposed to amend section one, article eleven, as follows, viz:

Line four, strike out all after the word "dollars," in said line, down to, and including, the words "thirty-nine," in the fifth line.

Said section reads as follows, viz:

§ 1. Persons guilty of larceny of goods and chattels of the value of four dollars or more, shall be punished by a confinement in the Penitentiary of not less than one nor more than five years; and persons guilty of larceny of goods and chattels of less value than four dollars, shall be punished by stripes not exceeding thirty-nine, unless in those cases in which the punishment is specifically prescribed in this chapter.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Pope, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	K. F. Prichard,
Robert Boyd,	D. R. Haggard,	W. H. Sneed,
R. A. Burton,	Thomas F. Hargis,	A. G. Talbott,
G. W. Connor,	I. L. Hyatt,	W. L. Vories,
John E. Cooper,	John W. Johnson,	Ben. J. Webb,
F. W. Darby,	A. L. McAfee,	Emery Whitaker,
John J. Gatewood,	Alfred T. Pope,	Thos. Wrightson—21.

Those who voted in the negative, were—

Edwin Hawes, Wm. Johnson—2.

And then the Senate adjourned.

WEDNESDAY, MARCH 19, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, of the following title, viz:

An act for the benefit of Cold Spring school district, in Campbell county.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of John T. and Samuel P. Ratcliff, of Carter county.

An act to incorporate Ivy Lodge, No. 21, Knights of Pythias.

An act to amend the charter of the city of Hopkinsville.

An act to amend an act, entitled "An act to incorporate Cecilian College, in Hardin county," approved January 25th, 1867.

An act to amend an act, entitled "An act in relation to official sales in Boyle and Lincoln counties," approved March 7th, 1871.

An act to incorporate Greensburg Lodge of Free and Accepted York Masons.

An act to amend the charter of the Mount Freedom and Jessamine County Turnpike Road Company.

An act to amend an act approved March 23d, 1871, entitled "An act to amend the law in relation to county judges," approved February 13, 1858.

An act authorizing the Marshall county court to issue bonds and levy a tax to build or repair bridges in said county.

An act to repeal an act amending the charter of Nicholasville, approved January 6th, 1871.

An act for the benefit of the Louisville Medical College.

An act authorizing the city council of Frankfort to make a subscription to the Lawrenceburg sufferers.

That they had passed bills of the following titles, viz:

1. An act for the benefit of common schools in Kentucky.
2. An act for the benefit of George Sublett, of Elliott county.

3. An act to incorporate the Exchange Bank of Sharpsburg.

4. An act to incorporate the Fox Creek and Washington County Turnpike Road Company.

5. An act to establish a common school for the benefit of the colored people of Catlettsburg and vicinity.

6. An act to regulate the official sales of real and personal property in the county of Bracken.

7. An act to amend an act to incorporate the Bourbon Female College, approved March 14th, 1872.

8. An act to incorporate the Paris Harmonic Society, of Paris.

9. An act for the benefit of Leonidas Voshell, of Boone county.

10. An act to incorporate the Alexandria Cemetery Company, in Campbell county.

11. An act to amend an act, entitled "An act to incorporate the Clay Fire and Marine Insurance Company of Newport," approved March 10th, 1856.

12. An act to authorize the school commissioner of Campbell county to redistrict the school districts of said county, and to repeal an act, entitled "An act to provide for the redistricting the school districts of Campbell county," approved March 5th, 1872.

13. An act to provide for organizing and establishing a system of public schools in Winchester.

14. An act to incorporate the Mount Sterling and Carter County Mining and Manufacturing Company.

15. An act to amend an act, entitled "An act to incorporate the Daviess County Agricultural and Mechanical Society."

16. An act to amend an act, entitled "An act fixing the time of holding the terms of the circuit courts in the tenth judicial district."

17. An act to amend an act, entitled "An act to incorporate the Little Benson and Lane's Mill Turnpike Road Company," approved March 20th, 1871.

18. An act to amend an act, entitled "An act to amend the charter of the town of Lancaster."

19. An act in relation to persons convicted of penal offenses in Union county.

20. An act to amend an act to incorporate the Highland Racing Park Association.

21. An act to authorize the county of Hickman to raise a sinking fund for county purposes.

22. An act to authorize the voters of the town of Clinton to vote upon proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of same.

23. An act to amend the original and amended acts incorporating the town of Earlington.

24. An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

25. An act to amend the charter of the Nicholasville and Kentucky River Turnpike Road Company.

26. An act to suppress the selling or giving to minors spirituous, vinous, or malt liquors in the city of Covington.

27. An act to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Boone Mining and Manufacturing Company,'" approved February 13th, 1873.

28. An act amending an act incorporating the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company.

29. An act to exempt certain persons in Fayette and Scott counties from work on public roads.

30. An act to amend the charter of the Elizabethtown and Paducah Railroad Company.

31. An act for the benefit of Johnson V. Oakley, of Morgan county.

32. An act for the benefit of James Hogg, committee of Nancy Frazer, a pauper idiot, now of Rowan county.

33. An act to incorporate Clay Lodge, No. 1, Knights of Pythias.

34. An act to incorporate the Evansville and Henderson Railroad Packet Company.

35. An act to amend an act, entitled "An act to incorporate the Rebeckah Benevolent Society, of Covington."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 5th, 7th, 8th, 12th, and 13th to the Committee on Education; the 2d, 9th, 31st, and 32d to the Committee on Claims; the 3d and 11th to the Committee on Banks and Insurance; the 4th, 17th, 24th, 25th, 28th, and 29th to the Committee on Internal Improvement; the 6th, 18th, 19th, and 23d to the Committee on the Judiciary; the 10th and 35th to the Committee on Charitable Institutions; the 14th, 15th, 20th, 27th, 33d, and 34th to the Committee on Agriculture and Manufactures; the 16th and

21st to the Committee on Courts of Justice; the 22d and 26th to the Committee on Religion and Morals, and the 30th to the Committee on Railroads.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Prichard, from the Committee on the Judiciary—

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to extend the limits of the town of Paradise, in Muhlenburg county.

By same—

An act to amend the charter and the amendments thereto incorporating the town of Crab Orchard.

By same—

An act to amend an act, entitled "An act for the benefit of the citizens of Garrard county."

By Mr. Duvall, from the Committee on Internal Improvement—

An act to amend the charter of the Simpsonville and Buck Creek Turnpike Road Company, in Shelby county.

By same—

An act to incorporate the Oak Ridge Turnpike Road Company, in Mercer county.

By same—

An act to incorporate the Willisburgh and Thompsonville and Pleasant Run Turnpike Road Company.

By same—

An act to amend the charter of the Fisherville and Buck Creek Turnpike Road Company.

By same—

An act to incorporate the Lebanon and Pope's Creek Turnpike Road Company.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act to amend the charter of the Kentucky Masonic Relief Association.

By Mr. Wm Johnson, from the Committee on the Judiciary—

An act to incorporate the town of Hanson, in Hopkins county.

By same—

An act to authorize the clerk of the Nelson county court to index and cross-index deed-books in his office.

With amendments to the last two named bills.

Which were adopted.

Ordered, That said bills, the last two named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid, except that of the last named bill, which is amended so as to read,

An act to amend an act approved January 24th, 1872, entitled "An act to authorize the clerk of the Nelson county court to make a cross-index to deeds in his office, and transcribe the marriage register in said office."

Bills from the House of Representatives, of the following titles, were reported from the committee to whom they had been referred, viz:

By Mr. Prichard, from the Committee on the Judiciary—

An act for the benefit of Mary F. Rush, of Union county;

By same—

An act to incorporate the Baptist Church at Elkton, Todd county;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Haggard, from the Committee on Propositions and Grievances—

1. A bill to authorize the poor-house commissioners of Ohio county to sell the old poor-house property of said county.

By same—

2. A bill to incorporate the town of Beaver Dam, in Ohio county.

By same—

3. A bill for the benefit of the Minerva and Beley's Creek Turnpike Road Company, in Mason county.

21st to the Committee on Courts of Justice; the 22d and 26th to the Committee on Religion and Morals, and the 30th to the Committee on Railroads.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Prichard, from the Committee on the Judiciary—

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to extend the limits of the town of Paradise, in Muhlenburg county.

By same—

An act to amend the charter and the amendments thereto incorporating the town of Crab Orchard.

By same—

An act to amend an act, entitled "An act for the benefit of the citizens of Garrard county."

By Mr. Duvall, from the Committee on Internal Improvement—

An act to amend the charter of the Simpsonville and Buck Creek Turnpike Road Company, in Shelby county.

By same—

An act to incorporate the Oak Ridge Turnpike Road Company, in Mercer county.

By same—

An act to incorporate the Willisburgh and Thompsonville and Pleasant Run Turnpike Road Company.

By same—

An act to amend the charter of the Fisherville and Buck Creek Turnpike Road Company.

By same—

An act to incorporate the Lebanon and Pope's Creek Turnpike Road Company.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act to amend the charter of the Kentucky Masonic Relief Association.

By Mr. Wm Johnson, from the Committee on the Judiciary—

An act to incorporate the town of Hanson, in Hopkins county.

By same—

An act to authorize the clerk of the Nelson county court to index and cross-index deed-books in his office.

With amendments to the last two named bills.

Which were adopted.

Ordered, That said bills, the last two named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid, except that of the last named bill, which is amended so as to read,

An act to amend an act approved January 24th, 1872, entitled "An act to authorize the clerk of the Nelson county court to make a cross-index to deeds in his office, and transcribe the marriage register in said office."

Bills from the House of Representatives, of the following titles, were reported from the committee to whom they had been referred, viz:

By Mr. Prichard, from the Committee on the Judiciary—

An act for the benefit of Mary F. Rush, of Union county;

By same—

An act to incorporate the Baptist Church at Elkton, Todd county;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Haggard, from the Committee on Propositions and Grievances—

1. A bill to authorize the poor-house commissioners of Ohio county to sell the old poor-house property of said county.

By same—

2. A bill to incorporate the town of Beaver Dam, in Ohio county.

By same—

3. A bill for the benefit of the Minerva and Beley's Creek Turnpike Road Company, in Mason county.

By Mr. Duvall, from the Committee on Internal Improvement—

4. A bill to amend the charter of the Lexington and Newtown Turnpike Road.

By Mr. Prichard, from a select committee—

5. A bill to authorize the payment of fees to the Register of the Land Office in certain cases.

By Mr. Whitaker, from the Committee on Courts of Justice—

6. A bill to amend an act, entitled "An act to change the time of holding circuit courts in the fifth judicial district," approved January 13th, 1873.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

7. A bill to amend an act, entitled "An act to amend section four of article two of chapter eighty-three, of the Revised Statutes, regulating tax on theatrical performances," approved January 14th, 1871.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last was ordered to be printed, and made the special order of the day for Tuesday next, the 25th inst.; the 5th was placed in the orders of the day, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On motion, indefinite leave of absence was granted Mr. Webb.

On motion of Mr. Pope, leave was given to bring in a bill, entitled

A bill to authorize sureties for costs to obtain a release from further liability.

Ordered, That the Committee on the Judiciary prepare and bring in the same.

Mr. Barlow, from the Committee on Claims, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Solomon Downey, pauper idiot, of Henry county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	Alfred T. Pope,
Robert Boyd,	D. R. Haggard,	K. F. Prichard,
R. A. Burton,	Thomas F. Hargis,	W. H. Sneed,
James B. Casey,	Edwin Hawes,	A. G. Talbott,
John E. Cooper,	I. L. Hyatt,	W. L. Vories,
F. W. Darby,	John W. Johnson,	Emery Whitaker,
William P. Duvall,	Wm. Johnson,	Thos. Wrightson—22.
W. McKee Fox,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. Pope read and laid on the table the following resolution, viz:

Resolved, That the rule known as Rule 81 be, and the same is hereby, annulled.

Mr. Prichard read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when this General Assembly adjourns on Monday, the 31st day of March, 1873, it will adjourn *sine die*.

Mr. Gatewood moved to suspend Rule 81 for the balance of the session.

And the question being taken thereon, it was decided in the negative, two thirds not having voted therefor.

The yeas and nays being required thereon by Messrs. Gatewood and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	I. L. Hyatt,	W. H. Sneed,
R. A. Burton,	John W. Johnson,	A. G. Talbott,
James B. Casey,	A. L. McAfee,	W. L. Vories,
Wm. P. Duvall,	Alfred T. Pope,	Thos. Wrightson—13.
John J. Gatewood,		

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	William Johnson,
John E. Cooper,	D. R. Haggard,	K. F. Prichard,
F. W. Darby,	Thomas F. Hargis,	Emery Whitaker—11.
W. McKee Fox,	Edwin Hawes,	

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes,

Section one of article eleven, chapter thirty, being under consideration at the last adjournment.

Said section reads as follows, viz:

§ 1. Persons guilty of larceny of goods and chattels of the value of four dollars or more, shall be punished by a confinement in the Penitentiary of not less than one nor more than five years; and persons guilty of larceny of goods and chattels of less value than four dollars, shall be punished by stripes not exceeding thirty-nine, unless in those cases in which the punishment is specifically prescribed in this chapter.

Mr. Haggard then moved an amendment to said section.

Mr. Cooper then moved to amend the amendment proposed by Mr. Haggard.

Ordered, That section and proposed amendments be referred to a select committee, consisting of Messrs. Wm. Johnson, Prichard, Haggard, Pope, Cooper, Hargis, and Whitaker.

Section two, line eight, of article thirty, was then amended.

Mr. Hargis proposed to amend article thirteen by adding thereto an additional section.

On motion,

Ordered, That said proposed amendment be printed.

First section of article fourteen was then amended.

The fifth section of article seventeen, as amended by the committee, was, on motion of Mr. Prichard, rejected, and the original section proposed by the Commissioners was amended.

Section fourteen was then amended.

And then the Senate adjourned.

THURSDAY, MARCH 20, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act authorizing the Lewis county court to levy an additional tax to pay off the debts of said county, and to aid in the building of turnpike roads in said county.

An act for the benefit of common school district No. 24, in Larue county.

An act to authorize certain counties in this Commonwealth to levy a tax and pay for right of way and depot grounds for Cincinnati Southern Railway.

An act to amend the charter of the Lebanon Female College.

An act to amend an act, entitled "An act for the protection of livery stable-keepers in this Commonwealth," approved January 31st, 1871.

That they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act to amend an act, entitled "An act to incorporate the Guthrie City and Franklin Railroad Company," approved March 21st, 1870.

That they had passed a bill, entitled

An act to amend an act incorporating the Cincinnati, Covington, and Cumberland Gap Railroad Company, approved March 11th, 1867.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the Committee on Railroads.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Wm. E. Paull, jailer of Cumberland county.

An act for the benefit of James Walters, committee of Polly Plewman, an idiot, of Estill county.

An act to authorize the city of Hickman to subscribe and pay for stock in the Mississippi River Levee Company.

An act to amend an act, entitled "An act to amend and reduce into one the several acts respecting the town of Hickman," approved March 10th, 1854.

An act to amend the charter of the Frankfort Lumber, Brick, and Implement Manufacturing Company.

An act empowering the board of trustees of the town of Ashland to purchase lands and establish a public park.

An act to authorize the Grant county court to sell the poor-house farm in said county.

An act to define the boundary line of the town of Prestonsburg, and submitting to a vote of the citizens thereof the question of regulating the sale of spirituous and vinous liquors therein.

An act to change the time of holding the county court of Jessamine county.

Mr. Gilbert moved the following resolutions, viz:

1. *Resolved*, That from and after this day it shall not be in order to consider or entertain any business between the hours of 9½ o'clock, A. M. and 1½ o'clock, P. M., except the report of the Joint Committee on the Revision of the Statutes and general laws.

2. *Resolved*, That the Senate will hereafter hold evening sessions, commencing at 7½ o'clock, on Tuesdays and Fridays of each week, for the consideration of local and private bills alone.

3. *Resolved*, That debate shall be limited to five minutes to each member on any one bill.

Which were adopted.

Mr. Barlow presented the petition of sundry citizens of the county of Barren, in relation to the regulation of sales made under the decree of the Barren circuit court.

Which was received, the reading dispensed with, and referred to the Committee on the Judiciary.

On motion of Mr. Hyatt, leave was given to bring in a bill, entitled

A bill requiring the county court of Jefferson to appoint a measurer of lumber, staves, and hoop-poles.

Ordered, That the Committee on Agriculture and Manufactures prepare and bring in the same.

Indefinite leave of absence was granted to Mr. Hawes after to-morrow.

On motion of Mr. Barlow, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their

disagreement to the passage of a bill, which originated in the House of Representatives, entitled

An act to amend an act regulating sales under decrees of the Barren circuit court.

Whereupon Messrs. Barlow and Gatewood were appointed said committee, to act in conjunction with a similar committee appointed on the part of the House of Representatives.

After a short time, said bill was handed in at the Clerk's desk.

The Senate took up for consideration a bill, entitled

A bill to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March 16th, 1869.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate also took up for consideration a bill, entitled

A bill concerning the various charitable institutions in this State.

Said bill was then amended.

Ordered, That the further consideration of said bill, as amended, be postponed to, and made the special order of the day for, Tuesday next, the 25th inst.

The Senate took up for consideration the resolution introduced by Mr. Prichard on yesterday.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when this General Assembly adjourns on Monday, the 31st day of March, 1873, it will adjourn *sine die*.

Mr. Wm. Johnson moved to amend said resolution by substituting in lieu thereof the following, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when this General Assembly adjourns on Monday, the 31st inst., it will adjourn to meet again on the 20th of May next, and during the recess the Joint Committee on the Revision of the Statutes are directed to continue in session.

Resolved further, That no member of the General Assembly shall receive any per diem or mileage during said recess.

The question was then taken on the adoption of the amendment proposed by Mr. Johnson, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	W. W. Frazer,	Alfred T. Pope,
John E. Cooper,	H. S. Hale,	Ben. J. Webb,
F. W. Darby,	I. L. Hyatt,	Emery Whitaker—11.
W. McKee Fox,	John W. Johnson,	

Those who voted in the negative, were—

John S. Barlow,	D. R. Haggard,	A. L. McAfee,
Robert Boyd,	Thomas F. Hargis,	K. F. Prichard,
James B. Casey,	Edwin Hawes,	W. H. Sneed,
William P. Duvall,	William Johnson,	A. G. Talbott,
John J. Gatewood,	A. L. Martin,	W. L. Vories—16.
Jesse C. Gilbert,		

The question was then taken on the adoption of the resolution proposed by Mr. Prichard, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Prichard and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	Alfred T. Pope,
Robert Boyd,	I. L. Hyatt,	K. F. Prichard,
R. A. Burton,	William Johnson,	Ben. J. Webb—9.

Those who voted in the negative, were—

James B. Casey,	D. R. Haggard,	A. L. Martin,
John E. Cooper,	H. S. Hale,	A. L. McAfee,
Wm. P. Duvall,	Thomas F. Hargis,	A. G. Talbott,
W. W. Frazer,	Edwin Hawes,	W. L. Vories,
John J. Gatewood,	John W. Johnson,	Emery Whitaker—16.
Jesse C. Gilbert,		

Mr. Frazer moved to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Baptist Church at Elkton, Todd county.

Which motion was simply entered.

Mr. Haggard, from the Committee on Internal Improvement, reported a bill, entitled

A bill to further amend the charter of the Kentucky River Navigation Company.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was ordered to be printed, and placed in the orders of the day.

Mr. Haggard presented a communication from the President of the Kentucky River Navigation Company, which was also ordered to be printed, viz:

REPORT OF J. F. BULLITT, PRESIDENT OF THE KENTUCKY RIVER NAVIGATION COMPANY.

The improvements made by the State upon the Kentucky river were leased by the Commissioners of the Sinking Fund to the Kentucky River Navigation Company in August, 1869, for fifty years, at $1,500 per annum, with the privilege of renewal for twenty-five years, at six per cent. per annum on valuation, the State reserving the right to resume possession by giving one year's notice, and paying fair value.

Moreau Brown was President of the company from August, 1869, to May, 1872, when I became his successor.

Three installments of rent are due, subject to a credit of of $1,000, paid by me November 19th, 1872, leaving balance of rent then due of $3,801 80, including interest, for which I gave the note of the company, with myself as surety, to the Commissioners of the Sinking Fund.

The said $1,000 rent, and also $60 paid to the Attorney General, as commissions on a judgment against the company for rent, are not included in the expenditures mentioned in Statement C, hereto annexed.

Mr. Brown borrowed $10,000 from the Commissioners of the Sinking Fund, for which he gave the note of the company, secured by bonds of the city of Frankfort, deposited as collateral security by Philip Swigert.

Mr. Brown paid $6,000 of said debt, and said Commissioners now hold ten bonds of the city of Frankfort, for $1,000 each, as security for the residue of said debt, viz: $4,000.

Said debts of $4,000 and $3,801 80 are the only debts which said company owe to said Commissioners.

I have the records of the company from the commencement of its organization. No order has been made for compensating, nor has any compensation been made to, any officer or agent of the company, except the collector of tolls, the lock-keepers, and the engineer who was employed to superintend the extension of slack-water to the Three Forks of the Kentucky river.

The company is paying the keepers of locks 1 and 5 $300, and the keepers of locks 2, 3, and 4, $250 a year, and the collector of tolls $500 a year.

Mr. Brown not only has received no salary, but, as he informs me, and as I believe, he has advanced for the company over $5,000 in traveling and other expenses which remain unpaid, and for which, as he stated to me on the day when I became his successor, he does not mean to assert any claim unless, nor until, slack-water is carried to the Three Forks.

I have received no salary, nor has any order been made, nor any agreement, or understanding of any kind, concerning compensation to me, though I expect the company to pay for my services if it can be relieved from its crippled condition. To the contrary, the company owes me over $12,000, advanced for repairs and other necessary expenses, as is shown by statement C, annexed hereto.

The improvements leased to the company were completed by the State in 1843. During the next fifteen years they yielded some profit to the State, as is shown by the report of D. R. Haggard, Chairman of the Board of Internal Improvement, dated January 22, 1866. (*Public Documents, vol.* 2.)

But that report, and another report made by D. R. Haggard, Chairman, January 13, 1868 (*Public Documents, vol.* 2), and subsequent reports made by Addison Thompson, Chairman, to the Commissioners of the Sinking Fund, and recorded in the Auditor's Office, show that, from 1858 to August, 1869, inclusive, said improvements were unprofitable to the State. (See Statement A, hereto annexed.)

Statements B and C show, that from August, 1869, to January 1, 1873, inclusive, said improvements were unprofitable to the Kentucky River Navigation Company.

I employed Clement Smith, a civil engineer, to examine, during low water last summer, the locks and dams leased to the company, and went with him in order to learn what repairs were needed, and their probable cost. I ask attention to his letter to me on that subject, marked Statement D.

J. F. BULLITT,
President of Kentucky River Navigation Company.

FRANKFORT, March 11, 1873.

STATEMENT A.

STATEMENT of Receipts and Expenditures by the Board of Internal Improvement from the year 1858 to 1869, inclusive, per account of the Kentucky River, compiled from public documents:

Year.	Receipts.	Expenditures.
1858	$12,272 14	$17,924 50
1859	10,749 17	5,699 84
1859 (additional)	2,870 06	2,195 33
1860	11,459 58	11,006 34
1861	14,903 72	15,001 71
1862	6,723 75	8,141 54
1863	11,467 23	10,541 12
1864	17,140 99	11,954 78
1865	4,139 20	43,796 04
1866	10,839 57	10,782 04
1867	8,651 70	10,077 21
1868	13,202 51	11,880 50
1869	15,372 38	10,461 59
Expended by act 1869, volume 1, page 4, debts		13,308 95
	$139,792 00	$183,271 49
Excess of expenditures over receipts for 11 years	43,479 49	
	$183,271 49	$183,271 49

Excess of expenditures over receipts brought down	$43,479 49
Add salary of Superintendent, paid by State Treasury *pro ratum*, for eleven years, at $500 per annum	5,500 00
Total excess of expenditures	$48,979 49

Dr. D. R. Haggard informs me that the Presidents and Chairmen of the Board of Internal Improvement were allowed salaries of $1,200 to

$1,500 a year, and were paid out of the State Treasury; and that, in his opinion, $500 a year are fairly chargeable to the Kentucky river improvements.

J. F. BULLITT, *President.*

STATEMENT B.

REPORT of John Watson, Collector of Tolls, of Receipts and Expenditures of Kentucky River Navigation Company, from 1st September, 1869, to 1st May, 1872:

Borrowed of Sinking Fund		$10,000 00
Tolls received from 1st September, 1869, to 1st May, 1872		35,027 74
From Jessamine county		18,918 36
		$63,946 10

EXPENDITURES.

Paid for repairs	$26,725 60	
To salaries on old works	4,812 50	
To Bissett & McMahon, on contract for new work, Nos. 6 and 7	22,143 35	
To salaries for new work	2,375 00	
To advertising new work	34 80	
To Noland, fees, commissions	281 01	
To survey of river, new work	764 95	
To amount paid Sinking Fund, in part	6,000 00	
		63,137 21
Balance on hand May 1, 1872		$808 89

JOHN WATSON, *Collector.*

Receipts for toll from 1st September, 1869, to May 1st, 1872		$35,027 74
Expenditures on old works, repairs	$26,725 60	
Salaries to lock-keepers and collector	4,812 50	
		31,538 10
Excess of receipts over expenditures from 1st September, 1869, to 1st May, 1872		$3,489 64

The above is the report furnished to me by John Watson, Agent, of receipts and expenditures of Kentucky River Navigation Company, during the presidency of Moreau Brown, viz: from August, 1869, to May 1, 1872.

J. F. BULLITT, *President.*

FRANKFORT, March 11, 1873.

STATEMENT C.

STATEMENT of Receipts and Expenditures by Kentucky River Navigation Company, under administration of J. F. Bullitt, President, from 1st May, 1872, to 1st January, 1873:

TOLLS.	Expenditures.	Receipts.
Received by John Watson, Agent		$5,044 99
EXPENDITURES.		
Repairs, per account of John Watson, Agent of Kentucky River Navigation Company $2,786 86		
Repairs, per account J. G. Barrett, Secretary and Treasurer 13,648 00		
	$16,434 86	
Salary John Watson, Agent	250 00	
Lock-keepers	750 00	
	$17,434 86	$5,044 99
Excess of expenditures over receipts, from 1st May, 1872, to 1st January, 1873		12,389 87
	$17,434 86	$17,434 86
Excess of expenditures over receipts, from 1st May, 1872, to 1st January, 1873		$12,389 87
Less excess of receipts over expenditures, from 1st September, 1869, to 1st May, 1872		3,489 64
Excess of expenditures over receipts, total, during possession of works by Kentucky River Navigation Company		$8,900 23

J. F. BULLITT, *President.*

STATEMENT D.

FRANKFORT, KY., March 11th, 1873.

JUDGE J. F. BULLITT, *President Kentucky River Navigation Company:*

SIR: I gave you last year estimates in detail, carefully made, of the cost of repairing dams Nos. 1, 2, 3, 4, and 5, in the Kentucky river, which amount to $50,000.

You expended on dams Nos. 1 and 3 $12,000. This deducted from the estimates would leave $38,000, as the amount of money necessary to be expended on the dams to place them in good condition, and which ought to be expended this summer to prevent accidents of a serious character.

Very respectfully, yours,

CLEMENT SMITH, *Civil Engineer.*

The Senate resumed the consideration of the Report of the Joint Committee on the Revision of the Statutes.

Articles eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five were adopted without amendment.

The ninth section of article twenty-six was amended, and the article then adopted.

Articles twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four were then adopted.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of R. H. Williams, sheriff of Owen county, and his sureties;

An act to charter the Owenton Cemetery Company;

An act for the benefit of Hugh Barclay, jr., of Logan county;

An act for the benefit of A. H. Kinninmouth, of Butler county;

An act to incorporate the Kentucky Society for the Prevention of Cruelty to Animals;

An act to amend and reduce into one the several acts in relation to the town of Shelbyville;

An act for the benefit of school district No. 47, in Larue county;

An act to amend an act for the benefit of the Carlisle and Jacks-town Turnpike Road Company, upper route, approved December 20th, 1871;

An act for the benefit of school district No. 4, in Nicholas county;

An act to define the boundary line between the counties of Rockcastle and Jackson;

An act for the benefit of H. W. Eggleston, of Kenton county;

An act to authorize the trustees of Russellville to appoint an inspector and weigher of coal;

An act for the benefit of Amos Davis, sheriff of Morgan county;

An act to incorporate the Press Printing Company;

An act to further amend the charter of the Newport and Cincinnati Bridge Company;

An act to amend an act to add part of Adair to Casey county;

An act to incorporate the Hecla Coal and Mining Company;

An act to incorporate the Odd Fellows' Temple Association, of Louisville;

An act to amend an act, entitled "An act to create the Hartford Seminary, of Ohio county;"

An act for the benefit of the jailer of Fayette county;

An act to amend an act, entitled "An act to incorporate the Louisville Orphans' Home Society," approved February 26th, 1849;

An act to incorporate the Maysville Manufacturing Association;

An act to amend the charter of the city of Maysville;

STATEMENT C.

STATEMENT of Receipts and Expenditures by Kentucky River Navigation Company, under administration of J. F. Bullitt, President, from 1st May, 1872, to 1st January, 1873:

TOLLS.		Expenditures.	Receipts.
Received by John Watson, Agent			$5,044 99
EXPENDITURES.			
Repairs, per account of John Watson, Agent of Kentucky River Navigation Company	$2,786 86		
Repairs, per account J. G. Barrett, Secretary and Treasurer	13,648 00		
		$16,434 86	
Salary John Watson, Agent		250 00	
Lock-keepers		750 00	
		$17,434 86	$5,044 99
Excess of expenditures over receipts, from 1st May, 1872, to 1st January, 1873			12,389 87
		$17,434 86	$17,434 86
Excess of expenditures over receipts, from 1st May, 1872, to 1st January, 1873			$12,389 87
Less excess of receipts over expenditures, from 1st September, 1869, to 1st May, 1872			3,489 64
Excess of expenditures over receipts, total, during possession of works by Kentucky River Navigation Company			$8,900 23

J. F. BULLITT, *President.*

STATEMENT D.

FRANKFORT, KY., March 11th, 1873.

JUDGE J. F. BULLITT, *President Kentucky River Navigation Crmpany:*

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Very respectfully, yours,
CLEMENT SMITH, *Civil Engineer.*

The Senate resumed the consideration of the Report of the Joint Committee on the Revision of the Statutes.

Articles eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five were adopted without amendment.

The ninth section of article twenty-six was amended, and the article then adopted.

Articles twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four were then adopted.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of R. H. Williams, sheriff of Owen county, and his sureties;

An act to charter the Owenton Cemetery Company;

An act for the benefit of Hugh Barclay, jr., of Logan county;

An act for the benefit of A. H. Kinninmouth, of Butler county;

An act to incorporate the Kentucky Society for the Prevention of Cruelty to Animals;

An act to amend and reduce into one the several acts in relation to the town of Shelbyville;

An act for the benefit of school district No. 47, in Larue county;

An act to amend an act for the benefit of the Carlisle and Jacks-town Turnpike Road Company, upper route, approved December 20th, 1871;

An act for the benefit of school district No. 4, in Nicholas county;

An act to define the boundary line between the counties of Rockcastle and Jackson;

An act for the benefit of H. W. Eggleston, of Kenton county;

An act to authorize the trustees of Russellville to appoint an inspector and weigher of coal;

An act for the benefit of Amos Davis, sheriff of Morgan county;

An act to incorporate the Press Printing Company;

An act to further amend the charter of the Newport and Cincinnati Bridge Company;

An act to amend an act to add part of Adair to Casey county;

An act to incorporate the Hecla Coal and Mining Company;

An act to incorporate the Odd Fellows' Temple Association, of Louisville;

An act to amend an act, entitled "An act to create the Hartford Seminary, of Ohio county;"

An act for the benefit of the jailer of Fayette county;

An act to amend an act, entitled "An act to incorporate the Louisville Orphans' Home Society," approved February 26th, 1849;

An act to incorporate the Maysville Manufacturing Association;

An act to amend the charter of the city of Maysville;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act authorizing L. B. Lovel, late sheriff of Lewis county, to list uncollected fee bills and tax receipts with constables in Lewis county for collection;

An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to incorporate the same under the name of the Howland Coal and Iron Works;

An act in relation to granting tavern license in the Vanceburg election precinct, in Lewis county;

An act in relation to the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company;

An act in relation to the assessment and collection of turnpike taxes in Lewis county;

An act to incorporate the Deposit Bank of Cynthiana;

An act to prevent the destruction of fish in Salt river, in Anderson county;

An act for the benefit of S. S. Farris, sheriff of Barren county;

An act to amend an act, entitled "An act to amend the charter of the city of Augusta, in Bracken county;"

An act to authorize the Butler county court to establish a ferry on Green river, near Morgantown, at or near Morrison's old ferry;

An act to incorporate the Twelve Mile and California Turnpike Road Company, in Campbell county;

An act to incorporate the Masonic Temple Company, of Owensboro;

An act to charter the Elizabethtown and Middle Creek Turnpike Road Company;

An act for the benefit of D. C. Doran, late sheriff of Hart county;

An act to incorporate the Bank of Madisonville;

An act defining the boundary line between the counties of Harlan and Bell;

An act for the benefit of J. F. Hatten, committee of George Clay, an idiot, of Lawrence county;

An act to incorporate the Auburn Building and Loan Association;

An act for the benefit of Jeremiah Overton, an idiot, of Wayne county;

An act to incorporate the town of College Hill, in Madison county;

An act for the benefit of the unfinished turnpike roads in Henry county;

An act to incorporate the Covington Mining and Manufacturing Company;

An act for the benefit of J. T. Freeman, of Whitley county;

An act for the benefit of John H. Pemberton, of Whitley county;

An act for the benefit of school district No. 5, in the county of Barren;

An act to exempt the property of the Danville Theological Seminary from taxation for certain purposes;

An act to amend an act, entitled "An act to incorporate the Hodgenville and Elizabethtown Turnpike Road Company," approved March 9th, 1868;

An act for the benefit of Gabe Hays, of the county of Breathitt;

An act to declare War creek, in Breathitt county, a navigable stream;

An act to permit John Williams to erect a mill-dam across Troublesome creek, in Perry county;

An act to amend an act, entitled "An act to incorporate the Big Sandy Highway Bridge Company;"

An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth;

An act for the benefit of Henry C. Fitzpatrick, collector of the revenue of Floyd county for the year 1870;

An act to amend an act, entitled "An act to incorporate the Blandville and Cairo Turnpike Road Company," approved March 6th, 1868;

An act to amend the charter of the town of Catlettsburg;

An act for the benefit of James Wills, sr., of Menifee county;

An act to amend the charter of the town of Germantown, in Bracken and Mason counties;

An act for the benefit of school district No. 44, in Campbell county;

An act to authorize the jailer of Fayette county to appoint an additional deputy jailer;

An act for the benefit of the common schools of Johnson county;

An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein;

An act to authorize the trustees of the town of Columbia to sell and convey part of Jefferson alley, in said town;

An act to amend the charter of the town of Elizabethtown;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

And then the Senate adjourned.

FRIDAY, MARCH 21, 1873.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, of the following title, viz:

An act to amend an act approved January 24th, 1872, entitled "An act to authorize the clerk of the Nelson county court to make a cross-index to deeds in his office, and transcribe the marriage register in said office."

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of John Scott, of Pike county.

An act to locate and define the county line between Estill and Lee counties.

An act authorizing the sale of the poor-house farm in Estill county.

An act for the benefit of the kindred of Pierre Victor Eustache, deceased, late of McCracken county.

An act to incorporate the city of Mayfield.

An act for the benefit of W. E. Clelland, late sheriff of Mercer county.

An act concerning the appointment of a superintendent and commissioner of roads and bridges for Ohio county.

An act to amend the charter of the Georgetown and Paris Turnpike Road Company.

An act for the benefit of A. H. Ditto, committee of Polly Miller, a pauper idiot of Henry county.

An act for the benefit of Wm. Pollard, committee of Eliza Pollard, a pauper idiot of Henry county.

An act for the benefit of Belleville H. Herndon.

An act to amend the articles of incorporation of the Irish Building and Loan Association.

An act to amend the charter of the town of Cynthiana, in Harrison county.

An act to authorize the poor-house commissioners of Ohio county to sell the old poor-house property of said county.

An act to incorporate the town of Beaver Dam, in Ohio county.

An act to amend the charter of the Lexington and Newtown Turnpike Road.

That they had passed bills of the following titles, viz:

1. An act for the benefit of John J. Macklin, late sheriff of Kenton county.

2. An act for the benefit of Peter Perry, committee of John Perry, a pauper idiot (of color), of Hart county.

3. An act in regard to certain streets in the city of Louisville.

4. An act to incorporate the St. Augustine Cemetery, near Lebanon.

5. An act for the benefit of Arnold L. Harvey.

6. An act to prevent the sale of intoxicating liquors in the Murphysville precinct, in Mason county.

7. An act for the benefit of J. C. Calhoun, late sheriff of McCracken county.

8. An act to submit to the qualified voters of Meade county the question of removal of the county seat.

9. An act for the benefit of school district No. 46, in Mercer county.

10. An act to prohibit the sale of spirituous or intoxicating liquors at Mercer's Station, in Muhlenburg county.

11. An act to incorporate the Rothrock Coal and Mining Company, of Muhlenburg county.

12. An act to facilitate the collection of delinquent taxes in Owen county.

13. An act chartering the Young Men's Savings Association of New Liberty, Owen county.

14. An act for the benefit of the Falmouth and Claysville Turnpike Road, in Pendleton county.

15. An act to empower the court of claims of Shelby county to levy an ad valorem tax.

16. An act to repeal an act, entitled "An act to establish an institution of learning in the town of Hardinsville, in Shelby county."

17. An act providing for copying the surveys, plats, and certificates of land in Warren county.

18. An act to change the county line of Pulaski and Rockcastle counties.

19. An act to authorize the sale and conveyance of the property of the Kendric Institute, in Wayne county.

20. An act to incorporate the Williamsburg Geological and Mining Company.

21. An act to amend an act, entitled "An act to incorporate the Scuffletown Fence Company," approved March 21st, 1872.

22. An act for the benefit of Mrs. V. W. Fishback.

23. An act for the benefit of S. H. Piles, late sheriff of Livingston county.

24. An act to authorize the change of the State road at Cane creek bridge, between Milburn and Columbus.

25. An act to incorporate the Augusta and Mount Olivet Turnpike Road Company, in Bracken and Robertson counties.

26. An act to fix the time of holding the Garrard circuit court.

27. An act to enable the court of claims of Henry county to pay county indebtedness.

28. An act to prohibit the sale of liquors in the town of Eminence.

29. An act for the benefit of Martha A. Hightower, a pauper lunatic.

30. An act to amend an act incorporating the Concord and Tollsboro Turnpike Road Company.

31. An act to amend the act incorporating the Cabin Creek Turnpike Road Company.

32. An act for the benefit of George P. Gillem, sheriff of Logan county.

33. An act to amend an act, entitled "An act to charter the Owensboro and Russellville Railroad Company."

34. An act to amend the charter of the Winchester and Muddy Creek Turnpike Road Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, 29th, and 32d to the Committee on Claims; the 3d, 11th, 20th, and 21st to the Committee on Agriculture and Manufactures; the 4th to the Committee on Charitable Institutions; the 5th, 7th, 12th, 15th, 26th, and 27th to the Committee on Courts of Justice; the 6th, 10th, and 28th to the Committee on Religion and Morals; the 8th and 18th to the Committee on Propositions and Grievances; the 9th, 16th, and 19th to the Committee on Education; the 13th to the Committee on Banks and Insurance; the 14th, 24th, 25th, 30th, 31st, and 34th to the Committee on Internal Improvement; the 17th to the Committee on Revised Statutes and Codes of Practice; the 22d and 23d to the Committee on Finance, and the 33d to the Committee on Railroads.

Mr. Pope, from the Committee on the Judiciary, to whom had been referred the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act for the benefit of the Louisville Industrial Exposition, and to amend the charter thereof,

Reported the same, with the expression of opinion that said amendment should be concurred in.

And the question being taken thereon, it was decided in the affirmative.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Evansville and Henderson Railroad Packet Company.

By same—

An act to amend an act to incorporate the Highland Racing Park Association.

By same—

An act to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Boone Mining and Manufacturing Company,'" approved February 13th, 1873.

By same—

An act to incorporate Daniel Boone Lodge, No. 2, Knights of Pythias, in the city of Louisville.

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to incorporate the Alexandria Cemetery Company, in Campbell county.

By same—

An act to incorporate Brothers' Lodge, No. 132, Independent Order of Odd Fellows, of Owensboro.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to repeal an act, entitled "An act for the benefit of Levi Kash, judge of the Wolfe county and quarterly courts," approved March 6th, 1868.

By same—

An act to authorize the county court of Bourbon county to pay George M. Hibler, circuit court clerk of said county, for continuing index and cross-index to suits in said court.

By same—

An act for the benefit of school district No. 45, in Ballard county.

By Mr. Pope, from the Committee on the Judiciary—

An act to amend the charter of the Louisville House of Refuge.

With an amendment as a substitute for the last named bill.

Which was adopted.

Ordered, That said bills, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid, except that of the last named bill, and that it be changed so as to read,

An act in relation to the punishment of persons aiding in the escape of inmates from the Louisville House of Refuge.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to amend an act, entitled "An act to incorporate the Daviess County Agricultural and Mechanical Society;"

By Mr. Gilbert, from the Committee on Courts of Justice—

An act for the benefit of Alice Rodgers;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Mr. Gilbert, from the Committee on Courts of Justice, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Rockcastle county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	Wm. Johnson,
Robert Boyd,	John J. Gatewood,	A. L. Martin,
R. A. Burton,	Jesse C. Gilbert,	A. L. McAfee,
James B. Casey,	H. S. Hale,	Alfred T. Pope,
G. W. Connor,	Thomas F. Hargis,	K. F. Prichard,
John E. Cooper,	Edwin Hawes,	W. H. Sneed,
F. W. Darby,	J. B. Haydon,	A. G. Talbott,
William P. Duvall,	I. L. Hyatt,	W. L. Vories,
W. McKee Fox,	John W. Johnson,	Ben. J. Webb—27.

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the New Liberty Branch Turnpike Road Company.

An act to amend an act, entitled "An act to incorporate the Bank of Trenton, in Todd county," approved March 25th, 1872.

An act authorizing the sale of the poor-house farm in Webster county.

An act for the benefit of W. E. Clelland, late sheriff of Mercer county.

An act for the benefit of the New Liberty and Owenton Turnpike Road Company.

An act to provide for an interpreter for the Louisville chancery court and the Jefferson court of common pleas.

An act to incorporate the Ashland and Catlettsburg Street Railway and Transfer Company.

An act to amend an act, entitled "An act to charter the Young Men's Real Estate, Building, and Accumulating Association, of Louisville," approved March 28th, 1872.

An act to legalize certain acts of the Mercer county court.

An act to amend the charter of the Louisville and Nashville Railroad Company.

An act to incorporate the Rodger's Mill and Hinkston Bridge Turnpike Road Company.

An act to change a part of the eastern boundary of the town of Harrodsburg.

An act in relation to the accounts of the trustees of the Henry Female College and Henry Male Academy, and the lottery privilege connected therewith.

An act to amend the charter of the Louisville Baptists' Orphans' Home.

An act to direct the running and re-marking the line between the counties of Franklin and Woodford.

An act to amend an act, entitled "An act authorizing the Harrison county court to appropriate money to aid in building a bridge across main Licking at Claysville, and to levy a tax therefor," approved March 21st, 1871.

An act to amend an act, entitled "An act to tax railroads, turnpikes, and other corporations in aid of the Sinking Fund," approved February 20th, 1864.

An act to amend the revenue laws of this Commonwealth.

An act declaring Wolf river a navigable stream.

Mr. Barlow moved to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to regulate sales made under decrees of the Barren circuit court."

Ordered, That said bill be recommitted to the Committee on the Judiciary.

A message was received from the House of Representatives, asking that a committee be appointed by the Senate, to act in conjunc-

tion with a similar committee appointed on the part of the House of Representatives, to withdraw, unsigned, from the hands of the Governor, a bill, which originated in the House of Representatives, and had passed the two Houses, entitled

An act in relation to the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company.

Whereupon the Speaker appointed Messrs. Hargis and Fox said committee.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of the report of the Joint Committee on the Revision of the Statutes as reported by the Senate, with sundry amendments.

The amendments proposed by the House of Representatives were then taken up.

The question was then taken on the adoption of the first amendment proposed by the House of Representatives, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hawes and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	F. W. Darby,	Edwin Hawes,
Robert Boyd,	Jesse C. Gilbert,	J. B. Haydon,
R. A. Burton,	H. S. Hale,	K. F. Prichard—11.
John E. Cooper,	Thomas F. Hargis,	

Those who voted in the negative, were—

James B. Casey,	I. L. Hyatt,	Alfred T. Pope,
Wm. P. Duvall,	John W. Johnson,	W. H. Sneed,
W. McKee Fox,	William Johnson,	A. G. Talbott,
W. W. Frazer,	A. L. Martin,	W. L. Vories,
John J. Gatewood,	A. L. McAfee,	Ben. J. Webb—15.

The second, third, and fourth amendments were then concurred in.

The fifth amendment was then taken up.

Mr. Frazer then moved to amend the amendment proposed by the House of Representatives as follows, viz:

The compensation of members of the General Assembly shall be five hundred dollars per annum and mileage, payable quarterly, except when the General Assembly is in session, when each member may draw the whole of his pay for that year.

The question was then taken on the adoption of the amendment proposed by Mr. Frazer, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Frazer and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	John J. Gatewood,	Ben. J. Webb—5.
W. W. Frazer,	I. L. Hyatt,	

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. Martin,
Robert Boyd,	H. S. Hale,	A. L. McAfee,
James B. Casey,	Thomas F. Hargis,	Alfred T. Pope,
John E. Cooper,	Edwin Hawes,	K. F. Prichard,
F. W. Darby,	J. B. Haydon,	W. H. Sneed,
William P. Duvall,	John W. Johnson,	A. G. Talbott,
W. McKee Fox,	William Johnson,	W. L. Vories—21.

The question was then taken on the adoption of the amendment proposed by the House of Representatives, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hawes and Haydon, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	Wm. Johnson,
Robert Boyd,	H. S. Hale,	A. L. McAfee,
R. A. Burton,	Thomas F. Hargis,	A. G. Talbott,
James B. Casey,	Edwin Hawes,	W. L. Vories,
F. W. Darby,	J. B. Haydon,	Ben. J. Webb—15.

Those who voted in the negative, were—

John E. Cooper,	John J. Gatewood,	A. L. Martin,
William P. Duvall,	I. L. Hyatt,	Alfred T. Pope,
W. McKee Fox,	John W. Johnson,	K. F. Prichard—10.
W. W. Frazer,		

The disagreement to the first proposed amendment of the House of Representatives was then reported to the House of Representatives.

After a short time, a message was received from the House of Representatives, announcing that they insisted upon their first amendment.

The question was then taken, "Will the Senate recede from their disagreement?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gatewood and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	Edwin Hawes,
R. A. Burton,	H. S. Hale,	J. B. Haydon,
John E. Cooper,	Thomas F. Hargis,	K. F. Prichard—10.
F. W. Darby,		

Those who voted in the negative, were—

James B. Casey,	John W. Johnson,	W. H. Sneed,
William P. Duvall,	Wm. Johnson,	A. G. Talbott,
W. W. Frazer,	A. L. Martin,	W. L. Vories,
John J. Gatewood,	Alfred T. Pope,	Ben. J. Webb—13.
I. L. Hyatt,		

A message was then sent to the House of Representatives, announcing that the Senate insisted upon their disagreement.

After a short time, a message was received from the House of Representatives, asking that a committee of conference be appointed, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to take into consideration the disagreement between the two Houses in relation to the amendment referred to heretofore.

Whereupon Messrs. Talbott, Prichard, and Gatewood were appointed said committee.

After a short time, the committee of conference made the following report viz:

The joint committee appointed by the two Houses to confer on the disagreement of the two Houses in relation to the amount to be paid to the Assistant Auditor and the Clerks in the Auditor's Office, have had the same under consideration, and respectfully submit the following report, to-wit:

Amend section two, article one, line fourteen, by inserting between the word "thousand" and "dollars" the words "two hundred and fifty," and in line fifteen, after the word "of," strike out "eleven thousand dollars," and insert "nine thousand five hundred dollars," so that that part of the section will then read, commencing in the thirteenth line, and after the word "Governor," "he shall have power to appoint one assistant, whose salary shall be two thousand two hundred and fifty dollars per annum; and the further sum of nine thousand five hundred dollars is hereby allowed to the Auditor annually, to enable him to employ and pay such clerks as he may deem necessary for the proper discharge of the business of his office."

A. GALLATIN TALBOTT,
Chairman Senate Committee.
K. F. PRICHARD,
JOHN J. GATEWOOD,
THOMAS W. VARNON,
H. I. TODD,
C. C. SCALES.

The Senate resumed the consideration of the Report of the Joint Committee on the Revision of the Statutes.

Section one of article eleven, chapter thirty, was stricken out, and amendment as a substitute therefor was adopted.

Sections three, four, and five were then amended.

Mr. Prichard then moved the following amendment, viz:

Resolved, That the chapter on Taverns and Tippling-houses, so far as it is penal, be referred to the Commissioners, with the suggestion that that portion of it penal be transferred to the chapter on Crimes and Punishments.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. Martin,
James B. Casey,	H. S. Hale,	Alfred T. Pope,
W. McKee Fox,	I. L. Hyatt,	K. F. Prichard,
W. W. Frazier,	John W. Johnson,	A. G. Talbott—12.

Those who voted in the negative, were—

Robert Boyd,	John J. Gatewood,	Wm. Johnson,
R. A. Burton,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	Edwin Hawes,	W. L. Vories,
F. W. Darby,	J. B. Haydon,	Ben. J. Webb—13.
William P. Duvall,		

Mr. Hargis then moved the following amendment, viz:

§ 6. If any person shall knowingly survey, or cause to be surveyed and patented, any lands belonging to another, under an order of a county court authorizing him to enter and survey vacant and unappropriated lands, or, under any pretence or purpose whatever, shall knowingly survey, or cause to be surveyed and patented, the lands of another, he shall be fined not less than five hundred dollars, or imprisoned in the Penitentiary not less than three months nor more than three years, in the discretion of the jury.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hargis and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	Thomas F. Hargis,	Alfred T. Pope,
R. A. Burton,	Edwin Hawes,	A. G. Talbott,
John E. Cooper,	J. B. Haydon,	Ben. J. Webb—11.
William P. Duvall,	Wm. Johnson,	

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. McAfee,
James B. Casey,	H. S. Hale,	K. F. Prichard,
F. W. Darby,	I. L. Hyatt,	W. H. Sneed,
W. McKee Fox,	John W. Johnson,	W. L. Vories—14.
John J. Gatewood,	A. L. Martin,	

Chapter thirty was then adopted.

Chapter thirty-one was adopted.

Chapter thirty-two amended and adopted.

Chapters thirty-three, thirty-four, thirty-five, and thirty-six were adopted.

Chapter thirty-seven was amended and adopted.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of John T. and Samuel P. Ratcliff, of Carter county;

An act to incorporate Ivy Lodge, No. 21, Knights of Pythias;

An act to amend the charter of the city of Hopkinsville;

An act to amend an act, entitled "An act to incorporate Cecilian College, in Hardin county," approved January 25th, 1867;

An act to amend an act, entitled "An act in relation to official sales in Boyle and Lincoln counties," approved March 7th, 1871;

An act to incorporate Greensburg Lodge of Free and Accepted York Masons;

An act to amend the charter of the Mount Freedom and Jessamine County Turnpike Road Company;

An act to amend an act approved March 23d, 1871, entitled "An act to amend the law in relation to county judges," approved February 13, 1858;

An act to authorize Samuel Salyer, of Magoffin county, to adopt John P. Siner as a legal heir-at-law;

An act authorizing the Marshall county court to issue bonds and levy a tax to build or repair bridges in said county;

An act to repeal an act amending the charter of Nicholasville, approved January 6th, 1871;

An act for the benefit of the Louisville Medical College;

An act authorizing the city council of Frankfort to make a subscription to the Lawrenceburg sufferers;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend the charter of the Carrollton and Eagle Creek Turnpike Road Company;

An act to provide for a Geological Survey and Mineralogical Survey of the State;

An act to authorize certain counties in this Commonwealth to levy a tax and pay for right of way and depot grounds for Cincinnati Southern Railway;

An act to incorporate the Miners' Union, of Boyd and Carter counties;

An act to repeal an act, entitled "An act to change the lines between the counties of Letcher and Harlan;"

An act authorizing the county court of Butler county to establish a ferry on Green river, in said county;

An act to fix the boundary of the town of Mt. Sterling, in Montgomery county;

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Mount Zion Church, Clark county;

An act to provide for defining and marking the line between the counties of Crittenden and Caldwell;

An act to incorporate the Antioch and Burdett's Mill Turnpike Road Company, in Garrard county;

An act to amend an act, entitled "An act to incorporate the trustees of the Lancaster Presbyterian Church;"

An act to authorize the county courts of Scott and Franklin counties to compel persons to keep stock off of the public roads;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gatewood, from the Committee on Education—

An act for the benefit of common schools in Kentucky.

By same—

An act to amend an act to incorporate the Bourbon Female College, approved March 14th, 1872.

By same—

An act to authorize the school commissioner of Campbell county to redistrict the school districts of said county, and to repeal an act, entitled "An act to provide for the redistricting the school districts of Campbell county," approved March 5th, 1872.

By Mr. Frazer, from the Committee on Education—

An act to incorporate the Paris Harmonic Society, of Paris.

By Mr. Sneed, from the Committee on Education—

An act to organize Urania school district, in Barren county.

By Mr. Hale, from the Committee on Finance—

An act for the benefit of John A. Lafferty, late sheriff of Harrison county.

By same—

An act for the benefit of John W. Duncan, sheriff of Wayne county

By Mr. Burton, from the Committee on Finance—

An act for the benefit of Wilson Morgan, late sheriff of Clay county.

By same—

An act for the benefit of Wm. H. Fitzpatrick, sheriff of Floyd county for the years 1871 and 1872.

By Mr. Sneed, from the Committee on Finance—

An act for the benefit of John L. Slavin, former sheriff of Garrard county.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to exempt certain persons in Fayette and Scott counties from work on public roads.

By same—

An act to amend the charter of the Nicholasville and Kentucky River Turnpike Road Company.

By same—

An act to amend an act, entitled "An act to incorporate the Little Benson and Lane's Mill Turnpike Road Company," approved March 20th, 1871.

By same—

An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

By same—

An act to incorporate the Fox Creek and Washington County Turnpike Road Company.

By same—

An act amending an act incorporating the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company.

By Mr. Talbott, from the Committee on Railroads—

An act to amend an act to charter the Owensboro and Russellville Railroad Company."

By same—

An act to amend the charter of the Elizabethtown and Paducah Railroad Company.

By Mr. Hargis, from the Committee on the Judiciary—

An act to amend the charter of the town of Frenchburg, in Menifee county.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

An act to incorporate Phantom Lodge, No. 15, of the Knights of Pythias.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act to incorporate the Union Agricultural and Mechanical Association, near Fort Jefferson, in Ballard county.

With amendments to the last three named bills.

Which were adopted.

Ordered, That said bills, the last three named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Vories, from the Committee on Finance—

An act for the benefit of Gip Taylor and Nace Waller, former sheriffs of Union county;

By same—

An act for the benefit of James G. Ficklin, late sheriff of Bath county;

By Mr. Whitaker, from the Committee on Courts of Justice—

An act for the benefit of James W. Carpenter, of Ballard county;

By same—

An act to incorporate the Paducah Germanica Musical Society;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Mr. Prichard, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to incorporate the Falls City Club of the city of Louisville,

Reported the same, with the expression of opinion that said bill ought not to pass.

Mr. Cooper moved to commit said bill to the Committee on Agriculture and Manufactures.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Martin, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	John W. Johnson,
R. A. Burton,	John J. Gatewood,	A. L. McAfee,
James B. Casey,	D. R. Haggard,	A. G. Talbott,
John E. Cooper,	J. B. Haydon,	Emery Whitaker—14.
William P. Duvall,	I. L. Hyatt,	

Those who voted in the negative, were—

W. McKee Fox,	William Johnson,	W. H. Sneed,
Jesse C. Gilbert,	A. L. Martin,	W. L. Vories,
H. S. Hale,	K. F. Prichard,	Ben. J. Webb—10.
Edwin Hawes,		

On motion, leave of absence, indefinitely, was granted to Messrs. Hargis, Whitaker, and McAfee.

Mr. McAfee, from the Committee on Privileges and Elections, to whom had been referred the memorial of Lucy Stone, President of the Women's Rights Association, in regard to female suffrage, &c., asked to be discharged from the further consideration of the same.

Which was granted.

Mr. Vories, from the Committee on Finance, to whom was referred leave to bring in a bill, entitled

A bill for the benefit of the assessor of Marshall county,

Asked to be discharged from the further consideration of the leave.

Which was granted.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to amend the charter of the town of Brooksville, in Bracken county.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, were reconsidered.

Mr. Fox then proposed an amendment as a substitute for said bill.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read,

An act to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Brooksville, in Bracken county."

Mr. Talbott, from the Committee on Railroads, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of the Glasgow Railroad,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	A. L. McAfee,
James B. Casey,	H. S. Hale,	K. F. Prichard,
John E. Cooper,	Thomas F. Hargis,	W. H. Sneed,

F. W. Darby,	I. L. Hyatt,	A. G. Talbott,
William P. Duvall,	John W. Johnson,	W. L. Vories,
W. McKee Fox,	Wm. Johnson,	Ben. J. Webb,
W. W. Frazer,	A. L. Martin,	Emery Whitaker—22.
John J. Gatewood,		

Those who voted in the negative, were—

Jesse C. Gilbert,	Edwin Hawes,	J. B. Haydon—3.

Resolved, That the title of said bill be as aforesaid.

Mr. Gatewood, from the Committee on Education, to whom had been referred a bill, which originated in the Senate, entitled

A bill to establish in this Commonwealth a uniform system of common schools for the education of children of African descent,

Reported the same without amendment, and moved that it be made the special order of the day for Thursday next, the 27th inst.

Which motion was adopted.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Burton, from the Committee on Finance—

A bill for the benefit of William Paull, Wm. Dayton, and Milton Humble, of Robertson county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill to prevent stock of all kinds from running at large in Mason and Fleming counties.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On motion of Mr. Casey, leave was given to bring in a bill, entitled

A bill to amend the charter of the city of Ludlow.

Ordered, That a select committee, consisting of Messrs. Pope, Martin, and Casey, prepare and bring in the same.

And then the Senate adjourned.

SATURDAY, MARCH 22, 1873.

Hon. Wm. Johnson, presiding.

A message was received from the House of Representatives, announcing that they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act directing the Auditor to pay certain guard claims in Powell county.

That they had passed bills of the following titles, viz:

1. An act for the benefit of R. T. McGlauling.

2. An act to pay expenses for certain services rendered by the Sergeant-at-Arms of the House of Representatives.

3. An act for the benefit of Sallie Sanders.

4. An act to amend the charter of the Big Sandy Valley Railroad Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Finance; the 2d and 3d to the Committee on Claims, and the 4th was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Boyd presented the petition of John P. Bales, praying the passage of an act changing the line between the counties of Laurel and Rockcastle.

Which was received, the reading dispensed with, and referred to the Committee on Propositions and Grievances.

Mr. Whitaker moved to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act in relation to the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company.

Which motion was adopted.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, was reconsidered.

Mr. Whitaker then proposed an amendment to said bill.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate had refused to order to be read a third time a bill, which originated in the House of Representatives, entitled

An act to incorporate the Baptist Church at Elkton, Todd county.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. John W. Johnson, from the Committee on Religion and Morals—

A bill authorizing druggists to sell spirituous liquors by retail in the town of West Liberty.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

A bill to amend an act, entitled "An act for the benefit of Wm. H. Miller and others, sureties of J. C. Shanks, late sheriff of Ohio county," approved February 3d, 1870.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. John W. Johnson, from the Committee on Religion and Morals, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to prohibit the sale of vinous, spirituous, or malt liquors in Nelson county, or in the incorporated towns in said county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to amend an act, entitled "An act to incorporate the St. Augustine Cemetery, near Lebanon."

By same—

An act to amend an act, entitled "An act to incorporate the Rebeckah Benevolent Society, of Covington."

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of George P. Gillem, sheriff of Logan county.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act for the benefit of J. C. Calhoun, late sheriff of McCracken county.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to amend the charter of the town of Marion, in Crittenden county.

By same—

An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county.

By same—

An act to authorize the voters of the town of Clinton to vote upon proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of same.

By Mr. Frazer, from the Committee on Education—

An act to provide for organizing and establishing a system of public schools in Winchester.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to authorize the county of Hickman to raise a sinking fund for county purposes.

With amendments to the last five named bills.

Which were adopted.

Ordered, That said bills, the last five named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid, except that of the last named bill, which is changed so as to read,

An act to authorize the Hickman county court to issue bonds for bridges and to raise a sinking fund to pay same.

On motion of Mr. Cooper, leave was given to bring in a bill, entitled

A bill for the benefit of C. M. Hanks, jailer of Wolfe county.

Ordered, That the Committtee on Propositions and Grievances prepare and bring in the same.

The Senate took up the report of the committee of conference appointed in relation to the disagreement between the two Houses to the first amendment proposed by the House of Representatives to the revision of the Statutes, title "Auditor."

Said report reads as follows, viz:

The joint committee appointed by the two Houses to confer on the disagreement of the two Houses in relation to the amount to be paid to the Assistant Auditor and the Clerks in the Auditor's Office, have had the same under consideration, and respectfully submit the following report, to-wit:

Amend section two, article one, line fourteen, by inserting between the word "thousand" and "dollars" the words "two hundred and fifty," and in line fifteen, after the word "of," strike out "eleven thousand dollars," and insert "nine thousand five hundred dollars," so that that part of the section will then read, commencing in the thirteenth line, and after the word "Governor," "he shall have power to appoint one assistant, whose salary shall be two thousand two hundred and fifty dollars per annum; and the further sum of nine thousand five hundred dollars is hereby allowed to the Auditor annually, to enable him to employ and pay such

clerks as he may deem necessary for the proper discharge of the business of his office."

A. GALLATIN TALBOTT,
Chairman Senate Committee.
K. F. PRICHARD,
JOHN J. GATEWOOD,
THOMAS W. VARNON,
H. I. TODD,
C. C. SCALES.

Which report was adopted.

The Senate resumed the consideration of the Report of the Joint Committee on the Revision of the Statutes.

On motion of Mr. Wm. Johnson, the last section of the report of the committee, chapter "Courts," was amended by substituting in lieu thereof another section.

The seventh, ninth, and eleventh judicial districts were amended.

Chapters from thirty-one to forty, inclusive, were adopted.

And then the Senate adjourned.

MONDAY, MARCH 24, 1873.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act to amend chapter 47 of the Revised Statutes, entitled "Husband and Wife,"

With an amendment thereto.

Which was taken up and concurred in.

A message was also received from the House of Representatives, announcing that they had refused to concur in the adoption of the report of the joint committee of conference on the subject of the disagreement between the two Houses in relation to the first amendment proposed by the House of Representatives to the action of the Senate upon the subject of the revision of the Statutes.

That they had passed a bill, entitled

An act for the benefit of school district No. 34, in Garrard county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with, it was referred to the Committee on Education.

Mr. Barlow presented the petition of sundry citizens of Barren county, praying an amendment to an act, entitled

An act to regulate sales made under decrees of the Barren circuit court.

Which was received, the reading dispensed with, and referred to the Committee on the Judiciary.

Mr. Prichard withdrew the motion heretofore made by himself to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act to prohibit the sale of spirituous liquors or intoxicating beverages in Greenup county.

Leave was given to bring in the following bills, viz:

On motion of Mr. Talbott—

1. A bill to provide a site and erection thereon of a school-house in each and every common school district in this Commonwealth.

On motion of Mr. Boyd—

2. A bill to amend and reduce into one the several acts concerning the Wilderness Turnpike Road.

On motion of Mr. Hale—

3. A bill to incorporate the town of Lynnville, in Graves county.

On motion of same—

4. A bill to amend an act, entitled "An act to incorporate the Central West Kentucky Agricultural and Mechanical Association, in Graves county," approved February 25th, 1860.

Ordered, That a select committee, consisting of Messrs. Talbott, Prichard, Whitaker, Cooper, and Boyd, prepare and bring in the 1st; the Committee on Propositions and Grievances the 2d, and the Committee on Courts of Justice the 3d and 4th.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Hale, from the Committee on Finance—

A bill for the benefit of the administrator of Asa Gilbert, late sheriff of Clay county.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to incorporate the town of Lynnville, in Graves county.

By same—

A bill to amend the charter of the Paducah, Benton, and Murray Gravel Road Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Sneed, from the Committee on Education—

An act to establish a common school for the benefit of the colored people of Catlettsburg and vicinity.

By Mr. Connor, from the Committee on Agriculture and Manufactures—

An act to incorporate the Muhlenburg Mining Company.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to empower the court of claims of Shelby county to levy an additional ad valorem tax.

By Mr. Frazer, from the Committee on Education—

An act to repeal an act, entitled "An act to establish an institution of learning in the town of Hardinsville, in Shelby county."

By same—

An act for the benefit of school district No. 46, in Mercer county.

By same—

An act to authorize the sale and conveyance of the property of the Kendrick Institute, in Wayne county.

By Mr. Frazer, from the Committee on Banks and Insurance—

An act chartering the Young Men's Savings Association of New Liberty, Owen county.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Connor, from the Committee on Agriculture and Manufactures, to whom had been recommitted a bill, which originated in the Senate, entitled

A bill to charter the Southern Land and Construction Company,

Reported the same with amendments.

Which were adopted.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, March 22, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

N. R. Wilson, Jefferson county.
W. R. Thompson, Jefferson county.
Geo. B. Esten, Jefferson county.
John J. McElroy, Washington county.
John W. Rodman, Franklin county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to repeal an act amending the charter of Nicholasville, approved January 6th, 1871.

An act to amend the charter of the Mount Freedom and Jessamine County Turnpike Road Company.

An act to amend an act approved March 23d, 1871, entitled "An act to amend the law in relation to county judges," approved February 13, 1858.

An act for the benefit of the Louisville Medical College.

An act to amend an act, entitled "An act to incorporate Cecilian College, in Hardin county," approved January 25th, 1867.

An act for the benefit of John T. and Samuel P. Ratcliff, of Carter county.

An act authorizing the Marshall county court to issue bonds and levy a tax to build or repair bridges in said county.

An act to authorize Samuel Salyer, of Magoffin county, to adopt John P. Siner as a legal heir-at-law.

An act to amend the charter of the city of Hopkinsville.

An act for the benefit of school district No. 4, in Nicholas county.

An act for the benefit of the jailer of Fayette county.

An act to incorporate the Hecla Coal and Mining Company.

An act for the benefit of Hugh Barclay, jr., of Logan county.

An act to amend and reduce into one the several acts in relation to the town of Shelbyville.

An act for the benefit of A. H. Kinninmouth, of Butler county.

An act to amend an act for the benefit of the Carlisle and Jacks-town Turnpike Road Company, upper route, approved December 20th, 1871.

An act to amend an act, entitled "An act to create the Hartford Seminary, of Ohio county."

An act to charter the Owenton Cemetery Company.

An act for the benefit of school district No. 47, in Larue county.

An act for the benefit of R. H. Williams, sheriff of Owen county, and his sureties.

An act to amend an act, entitled "An act to incorporate the Louisville Orphans' Home Society," approved February 26th, 1849.

An act to incorporate Greensburg Lodge of Free and Accepted York Masons.

An act to amend an act, entitled "An act in relation to official sales in Boyle and Lincoln counties," approved March 7th, 1871.

Mr. Prichard moved the following resolution, viz:

Resolved, That the chapter on Taverns and Tippling-houses be referred to the Commissioners appointed to revise the Statutes, with instructions to add all of said chapter penal in its provisions to the chapter on Crimes and Punishments.

Which was twice read and adopted

Mr. Prichard read and laid on the table the following joint resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the two Houses act and agree upon the chapters of the revision

now reported by the joint committee, and adopt the same, to take effect when the remaining chapters take effect.

Which lies over one day.

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes.

Section five of article five, of chapter twenty-nine, title "Courts," was amended as to some of the judicial districts, and the chapter as a whole adopted.

Chapters forty-two, forty-three, forty-four, forty-five, forty-eight, forty-nine, fifty, and fifty-one were adopted, leaving unacted on chapters forty-six and forty-seven.

And then the Senate adjourned.

TUESDAY, MARCH 25, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act in relation to the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company.

An act to authorize the voters of the town of Clinton to vote upon proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of the same.

That they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of Samuel Worley, of Butler county.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act making an appropriation for the benefit of J. C. Farley, of McCracken county.

An act for the benefit of R. W. Lawler, jailer of Franklin county.

That they had passed bills of the following titles, viz:

1. An act for the benefit of Lewis Plummer, jailer of Lewis county.

2. An act for the benefit of the Auditor of Public Accounts.

3. An act for the benefit of Mildred Broadus, a pauper idiot, of Lincoln county.

4. An act for the benefit of W. R. Stringer, of Livingston county.

5. An act for the benefit of John Pinkerton, of Carter county.

6. An act for the benefit of Mrs. Elizabeth J. Spradlin, of Floyd county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 3d, 5th, and 6th to the Committee on Claims; the 2d to the Committee on Finance, and the 4th to the Committee on Courts of Justice.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act to add part of Adair to Casey county.

An act to incorporate the Press Printing Company.

An act authorizing R. B. Lovel, late sheriff of Lewis county, to list uncollected fee bills and tax receipts with constables in Lewis county for collection.

An act to incorporate the Odd Fellows' Temple Association, of Louisville.

An act to incorporate Ivy Lodge, No. 21, Knights of Pythias.

An act to incorporate the Kentucky Society for the Prevention of Cruelty to Animals.

An act to further amend the charter of the Newport and Cincinnati Bridge Company.

An act to incorporate the Auburn Building and Loan Association.

An act to amend an act, entitled "An act to amend the charter of the city of Augusta, in Bracken county."

An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein.

An act to amend the charter of the town of Elizabethtown.

An act to define the boundary line between the counties of Rockcastle and Jackson.

An act to authorize the trustees of the town of Columbia to sell and convey part of Jefferson alley, in said town.

An act for the benefit of Henry C. Fitzpatrick, collector of the revenue of Floyd county for the year 1870.

An act for the benefit of Jeremiah Overton, an idiot, of Wayne county.

An act to amend an act, entitled "An act to incorporate the Big Sandy Highway Bridge Company."

An act to exempt the property of the Danville Theological Seminary from taxation for certain purposes.

An act for the benefit of J. F. Hatten, committee of George Clay, an idiot, of Lawrence county.

An act to incorporate the Masonic Temple Company, of Owensboro.

An act to charter the Elizabethtown and Middle Creek Turnpike Road Company.

An act to incorporate the Twelve Mile and California Turnpike Road Company, in Campbell county.

An act to amend the charter of the town of Catlettsburg.

An act for the benefit of John E. Abbott, administrator of D. C. Doran, late sheriff of Hart county.

An act to prohibit the granting of license for the sale of spirituous, vinous, or malt liquors in the town of Butler, or within one mile thereof.

An act to permit John Williams to erect a mill-dam across Troublesome creek, in Perry county.

An act for the benefit of Gabe Hays, of the county of Breathitt.

An act concerning the public roads in Hardin county.

An act to authorize the Butler county court to establish a ferry on Green river, near Morgantown, at or near Morrison's old ferry.

An act for the benefit of school district No. 5, in the county of Barren.

An act to prevent the destruction of fish in Salt river, in Anderson county.

An act for the benefit of S. S. Farris, sheriff of Barren county.

An act to amend the charter of the town of Germantown, in Bracken and Mason counties.

An act for the benefit of the common schools of Johnson county.

An act to declare War creek, in Breathitt county, a navigable stream.

An act for the benefit of school district No. 44, in Campbell county.

An act to amend an act, entitled "An act to incorporate the Hodgenville and Elizabethtown Turnpike Road Company," approved March 9th, 1868.

An act for the benefit of J. T. Freeman, of Whitley county.

An act for the benefit of the unfinished turnpike roads in Henry county.

An act for the benefit of Amos Davis, sheriff of Morgan county.

An act to authorize the trustees of Russellville to appoint an inspector and weigher of coal.

An act to authorize the jailer of Fayette county to appoint an additional deputy jailer.

An act for the benefit of H. W. Eggleston, of Kenton county.

An act defining the boundary line between the counties of Harlan and Bell.

An act to amend an act, entitled "An act to incorporate the Blandville and Cairo Turnpike Road Company," approved March 6th, 1868.

An act for the benefit of John H. Pemberton, of Whitley county.

An act for the benefit of James Wills, sr., of Menifee county.

An act authorizing the county court of Butler county to establish a ferry on Green river, in said county.

An act to incorporate the Antioch and Burdett's Mill Turnpike Road Company, in Garrard county.

An act to provide for a Geological Survey and Mineralogical Survey of the State.

An act to authorize the county courts of Scott and Franklin counties to compel persons to keep stock off of the public roads.

An act to amend the charter of the Carrollton and Eagle Creek Turnpike Road Company.

An act to provide for defining and marking the line between the counties of Crittenden and Caldwell.

An act to fix the boundary of the town of Mt. Sterling, in Montgomery county.

An act to incorporate the Miners' Union, of Boyd and Carter counties.

An act to repeal an act, entitled "An act to change the lines between the counties of Letcher and Harlan."

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile of Mount Zion Church, Clark county.

An act to amend an act, entitled "An act to incorporate the trustees of the Lancaster Presbyterian Church."

An act for the benefit of John M. Hunley, committee of Henry Yarbro, an idiot, of Lawrence county.

An act in relation to the assessment and collection of turnpike taxes in Lewis county.

An act in relation to granting tavern license in the Vanceburg election precinct, in Lewis county.

An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth.

The following petitions were presented, viz:

By Mr. Barlow—

1. The petition of sundry citizens and officers of Barren county, praying the repeal of an act, entitled "An act to regulate sales made under decrees of the Barren circuit court."

By Mr. Cooper—

2. The petition of sundry citizens of Magoffin county, praying the passage of an act authorizing the county court of said county to grant a tavern license to Farish Arnett.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on the Judiciary, and the 2d to the Committee on Religion and Morals.

Mr. Barlow, from the Committee on Claims, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of John J. Macklin, late sheriff of Kenton county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of Leonidas H. Voshell, of Boone county.

By same—

An act for the benefit of Peter Perry, committee of John Perry, a pauper idiot (of color), of Hart county.

By same—

An act for the benefit of George Sublett, of Elliott county.

By same—

An act for the benefit of Johnson V. Oakley, of Morgan county.

By Mr. Hale, from the Committee on Finance—

An act for the benefit of James P. Bailey, late sheriff of Lincoln county.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to incorporate the Augusta and Mount Olivet Turnpike Road Company, in Bracken and Robertson counties.

Mr. Prichard moved the following resolution, viz:

Resolved, That all of the chapter on Gaming, after the fifth section, be transferred to the chapter on Crimes and Punishments.

Which was adopted.

Mr. Barlow read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Monday, the 14th of April, 1873, they will adjourn *sine die*.

Which lies over one day.

On motion of Mr. Boyd, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the House of Representatives, entitled

An act to amend an act to prohibit the sale of spirituous and intoxicating liquors in Rockcastle county, approved March 1st, 1870.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Boyd then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was simply entered.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their disagreement to the report of the committee of conference appointed by the two Houses in relation to their disagreement to the first amendment proposed by the House of Representatives to the action of the Senate on the subject of the revision of the Statutes.

Which was granted.

A message was received from the House of Representatives, asking that a committee be appointed by the Senate, to act in conjunc-

tion with a similar committee appointed on the part of the House of Representatives, to withdraw from the hands of the Governor a bill, which originated in the House of Representatives, entitled

An act to prohibit the sale of spirituous, vinous, or malt liquors near Trigg Furnace, in Trigg county.

Which request was granted, and the Speaker appointed Messrs. Holt and Clay said committee.

After a short time, said bill was handed in at the Clerk's desk.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the Senate, entitled

An act directing the Auditor to pay certain guard claims in Powell county.

Which was granted.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report.

The Senate resumed the consideration of the Report of the Joint Committee on the Revision of the Statutes.

Chapters forty-six and forty-seven were taken up and adopted.

The Senate took up for consideration the thirty-second chapter.

Mr. Gilbert moved an amendment to the first section of said chapter.

Ordered, That said amendment be printed, and made the special order for to-morrow at 12 o'clock, M.

Chapter forty-one was then adopted.

Chapter fifty-two was then taken up, title "Husband and Wife."

Mr. Cooper then moved to amend the first section of said chapter.

The original section reads as follows, as reported by the Commissioners, viz:

§ 1. A man shall not marry his mother, grandmother, sister, daughter, or granddaughter; nor the wife of his father, grandfather, son, or grandson; nor the daughter, granddaughter, mother, or grandmother of his wife; nor the daughter or granddaughter of his brother, or sister; nor the sister of his father, or mother. (2 *R. S., p.* 3.) A woman shall not marry her father, grandfather, brother, son, or grandson; nor the husband of her mother, grandmother, daughter, or granddaughter; nor the son, grandson, father, or grandfather of her husband; nor the son or grandson of her brother, or sister; nor the brother of her father, or mother. If relationship is founded on marriage, the prohibition shall continue, notwithstanding the dissolution of the marriage by death, or divorce, unless the divorce is for a cause that rendered the marriage originally illegal, or void. This section

includes illegitimate children and relatives. Marriages prohibited by this section are incestuous and void.

The amendment proposed by Mr. Cooper was, after the word "mother," in the fifth line, to insert the words "first cousin," and so in the tenth line.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	D. R. Haggard,	I. L. Hyatt,
John E. Cooper,	G. A. C. Holt,	W. H. Sneed—6.

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
R. A. Burton,	John J. Gatewood,	O. D. McManama,
James F. Clay,	Jesse C. Gilbert,	Alfred T. Pope,
F. W. Darby,	H. S. Hale,	K. F. Prichard,
William P. Duvall,	J. B. Haydon,	A. G. Talbott,
W. McKee Fox,	William Johnson,	W. L. Vories—18.

The question was then taken on the adoption of the amendment proposed by the committee to section eleven, article one, chapter fifty-two.

The original section, as reported by the Commissioners, reads as follows, viz:

§ 11. If either of the parties be under twenty-one years of age, and not before married, no license shall issue without the consent of his or her father or guardian; or, if there is none, or he is absent from the State, without the consent of his or her mother, personally given, or certified in writing to the clerk over his or her signature, attested by two subscribing witnesses, and proved by the oath of one of them, administered by the clerk. Where the parties are personally unknown to the clerk, a license shall not issue until bond, with good surety, in the penalty of one hundred dollars, is given to the Commonwealth, with condition that there is no lawful cause to obstruct the marriage.

The amendment proposed by the committee is as follows, viz:

Strike out in line one these words, "If either of the parties be under twenty-one," and insert the words, "if the man be under twenty-one and the woman under eighteen."

And the question being taken on the adoption of the amendment proposed by the committee, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Holt and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	J. B. Haydon,	Alfred T. Pope,
W. McKee Fox,	I. L. Hyatt,	W. H. Sneed—6.

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	William Johnson,
Robert Boyd,	John J. Gatewood,	A. L. Martin,
James F. Clay,	Jesse C. Gilbert,	K. F. Prichard,
John E. Cooper,	D. R. Haggard,	A. G. Talbott,
F. W. Darby,	H. S. Hale,	W. L. Vories—17.
William P. Duvall,	G. A. C. Holt,	

Chapter fifty-two was then adopted.

Chapters fifty-three and fifty-four were then adopted.

Chapter fifty-five was then taken up.

Article four of that chapter, "Trespass by Cattle," reads as follows, viz:

§ 5. If the owner or bailee of cattle shall not himself have a lawful fence, and his cattle shall break or pass over his inclosure, or if he shall permit them to run at large, and they shall go upon the inclosure of another, no matter whether he have a lawful fence or not, the owner of such cattle shall be liable for the damage they may do, and the cattle shall be in lien for the payment of the damages and costs.

§ 6. If the owner or bailee of such cattle shall have a lawful fence, and they shall break through or pass over his fence, and go upon the premises of another, not inclosed by a lawful fence, he shall not be responsible for the first trespass, but shall be liable for the damages of all subsequent trespasses.

Mr. Cooper then moved to strike out the two sections of said article.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	F. W. Darby,	D. R. Haggard—5.
John E. Cooper,	W. W. Frazer,	

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	Alfred T. Pope,
R. A. Burton,	J. B. Haydon,	K. F. Prichard,
James F. Clay,	G. A. C. Holt,	W. H. Sneed,
William P. Duvall,	I. L. Hyatt,	A. G. Talbott,
John J. Gatewood,	Wm. Johnson,	W. L. Vories—17.
Jesse C. Gilbert,	A. L. Martin,	

Chapter fifty-six was then taken up, amended and adopted.

Chapter fifty-seven was taken up, amended and adopted.

A message was received from the House of Representatives, announcing that they had concurred in the action of the Senate on the revision of the nineteenth chapter, title "Common Schools," with sundry amendments.

The first amendment was to strike out article two, which reads as follows, viz:

§ 1. That in any common school district in the State, in which the clearly ascertained will of the people shall be in favor of a district tax in aid of the common school therein, the levying of such a tax therein shall be lawful.

§ 2. That the will of the people of any district, in relation to such a tax therein, shall be determined by a vote of the white qualified voters thereof, at the time and place, and in the manner prescribed in the first section of the seventh article of the revised school laws for the election of district trustees; and any widow or alien residing in any school district, who is a tax-payer, or who has children within the ages fixed by the common school laws to be educated, shall be deemed a qualified voter under this act: *Provided*, That when a vote for such a tax shall be taken, votes shall be received from nine o'clock, A. M., till five o'clock, P. M.: *And provided further*, That, previously to the taking of such a vote, notices signed by the common school commissioner of the county in which such district lies, and by the trustee of such district, stating the amount and object of the tax proposed to be raised, and the time and place of taking the vote, shall have been posted by the trustee for fifteen days, at three or more prominent places in the district: *Provided further*, When lines dividing school districts pass through the lands of any person, dividing the same, the taxes shall be levied and paid to that district where the homestead may be situated.

§ 3. That the officers of the election shall return a fair and true record of the votes taken for and against such a tax, certified and sworn to by themselves, before some officer authorized to administer oaths, to the common school commissioner, if he shall not have presided at the election, or to the county judge, if the commissioner shall have presided; and if it be found that a majority of those voting shall have voted in favor of such district tax, such fact shall be so certified to the parties concerned, and it shall be the duty of the common school commissioner of the county to furnish the sheriff with the boundary of the district and of the latter officer to collect said district tax.

§ 4. That the money thus raised shall be accounted for and paid over by the sheriff within two months after it has been voted, or subsequently upon the order of the trustee, in the same manner in which he is required to account for and pay over the State revenue, to the commissioner of the county, he being paid for his services not more than he would be allowed for collecting the same amount of the State revenue tax.

§ 5. That the money thus raised and paid to the commissioner shall be paid out on the order of the trustee, and the commissioner shall be responsible on his bond therefor. It shall be expended for either of the objects herein specified, and for nothing else, to-wit: the purchasing of a site for a district school-house; the building, repairing, or furnishing of the district school-house, and the better payment of the salary of the

teacher or teachers thereof, or for the extension of the free school for a longer term than five months.

§ 6. That the trustee shall make settlement with the common school commissioner for the amount of money thus received, at the time of making his report to said commissioner, as required by the sixteenth section of the seventh article of the revised school laws, and shall show by vouchers how the money has been disbursed; and should the said commissioner discover any fraud or misappropriation of funds on the part of said trustees, it shall be his duty to proceed against them as authorized by the seventeenth section of the seventh article of the revised school laws.

§ 7. That the common school commissioner shall, in making his annual report to the Superintendent of Public Instruction of the schools taught in his county, make report also of the amount of money thus raised, and the manner in which it has been appropriated.

§ 8. That the tax allowed under the foregoing sections shall not exceed forty cents, in any one year, on the hundred dollars' worth of taxable property in the district.

§ 9. The provisions of the foregoing sections shall apply to all cities and towns reporting as one district, which have not now the privilege of levying a special school tax, except that such cities and towns, for the purpose of establishing a graded system of free schools, may levy a tax, not exceeding forty cents, in any one year, on the hundred dollars' worth of taxable property in the district.

And insert in lieu thereof the following substitute, viz:

§ 1. That in any common school district in the State in which a majority of the resident real estate owners shall petition the trustee of the district and county commissioner in favor of a district tax in aid of common schools therein, specifying the amount and the purposes for which said tax is intended, the question of levying such tax shall be submitted to vote of the people of such district.

§ 2. That the will of the people of any district in relation to such a tax therein shall be determined by a vote of the white qualified voters thereof, at the time and place and in the manner prescribed in the first section of the seventh article of the revised school laws for the election of district trustee, except as herein different; and any widow or alien residing in any school district, who is a tax-payer, or who has children within the ages fixed by the common school laws to be educated, shall be deemed a qualified voter under this act: *Provided*, That no vote in any district shall be taken, except under the provisions of section one of this article: *And provided further*, That when a vote for such a tax shall be taken, votes shall be received from nine o'clock, A. M., till five o'clock, P. M., and that, previously to the taking of such a vote, notices required by the common school commissioner of the county in which such district lies, and by the trustee of such district, stating the amount and object of the tax proposed to be raised, and the time and place of taking the vote, shall have been posted by the trustee for fifteen days, at three or more prominent places in the district; and that when lines dividing school districts pass through the lands of any person, dividing the same, the taxes shall be levied and paid to that district where the homestead may be situated.

§ 3. That the officers of election shall return a fair and true record of the votes taken for or against such a tax, certified and sworn to by themselves before some officer authorized to administer oaths, to the common school commissioner, if he shall not have presided at the election, or to the county judge, if the commissioner shall have presided; and if it be

found that a majority of those voting shall have voted in favor of such district tax, such fact shall be so certified to the parties concerned, and it shall be the duty of the common school commissioner of the county to furnish the sheriff with the boundary of the district, and of the latter officer to collect said district tax.

§ 4. That the money thus raised shall be accounted for and paid over by the sheriff within three months after it has been voted, or subsequently upon the order of the trustee, in the same manner in which he is required to account for and pay over the State revenue to the commissioner of the county, he being paid for his services not more than he would be allowed for collecting the same amount of the State revenue tax.

§ 5. That the money thus raised and paid to the commissioner shall be paid out on the order of the trustee, and the commissioner shall be responsible on his bond therefor. It shall be expended for either of the objects herein specified and for nothing else, to-wit: the purchasing of a site for a district school-house, the building, repairing, or furnishing of the district school-house, and the better payment of the salary of the teacher or teachers thereof.

§ 6. That the trustee shall make settlements with the common school commissioner for the amount of money thus received at the time of making his report to said commissioner, as required by the sixteenth section of the seventh article of the revised school laws, and shall show by vouchers how the money has been disbursed, and should the said commissioner discover any fraud or misappropriation of funds on the part of said trustees, it shall be his duty to proceed against them as authorized by the seventeenth section of the seventh article of the revised school laws.

§ 7. That the common school commissioner shall, in making his annual report to the Superintendent of Public Instruction of the schools taught in his county, make report also of the amount of money thus raised, and the manner in which it has been appropriated.

§ 8. That the tax allowed under the foregoing sections shall not exceed twenty cents, in any one year, on the hundred dollars' worth of taxable property in the district.

§ 9. The provisions of the foregoing sections shall apply to all cities and towns reporting as one district, which have not now the privilege of levying a special school tax, except that such cities and towns, for the purpose of establishing a graded system of free schools, may levy a tax, not exceeding twenty cents, in any one year, on the hundred dollars' worth of taxable property in the district.

And the question being taken on concurring in said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and Vories, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, J. B. Haydon, W. L. Vories—3.

Those who voted in the negative, were—

Robert Boyd,	Jesse C. Gilbert,	A. L. Martin,
R. A. Burton,	D. R. Haggard,	O. D. McManama,
James F. Clay,	H. S. Hale,	Alfred T. Pope,

John E. Cooper, G. A. C. Holt, K. F. Prichard,
F. W. Darby, I. L. Hyatt, W. H. Sneed,
W. W. Frazer, William Johnson, A. G. Talbott—19.
John J. Gatewood,

The second amendment proposed by the House of Representatives was to strike out section eight of article seven, which was originally section nine.

And the question being taken thereon, it was decided in the negative.

The third and fourth amendments were concurred in.

The messenger further reported that the House of Representatives had concurred in the adoption of chapters twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight.

The Senate took up for consideration a bill, entitled

A bill for the benefit of the incorporated banks of Kentucky.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act it shall and may be lawful for any one or more of the incorporated banking institutions of this State, upon the written consent thereto first had of a majority in interest of the stockholders in such bank or banks, to be converted into a National Bank or banks, under the provisions of the act of Congress of the United States, entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," and the amendments thereto, and other laws of the United States pertinent thereto now existing, or which may be hereafter enacted.

§ 2. It shall be lawful for any two or more of the incorporated banks of this State to consolidate and form one bank, under such name and on such terms as may be agreed upon between the contracting parties, the consent of a majority in interest of the stockholders in the banks severally so consolidating being first had thereto in writing.

§ 3. That it shall be lawful for any of the banking institutions of this State, incorporated by the laws thereof, to subscribe for, purchase, and hold capital stock in any of the banking institutions in this State, now organized, or which may be hereafter organized under the said National Currency Act, and known as National Banks, and such stock may be held as an asset and as part of the capital of such State Banks.

§ 4. That nothing herein shall be construed, in any way whatever, directly or indirectly, to exempt the capital stock of any bank taking advantage of the provisions of this act from such or any taxation as they are now liable and bound for, and advantage can be taken of this act upon this express condition only. A failure or refusal to comply with, or an attempt to evade this section, shall forfeit any rights or privileges acquired hereunder.

Mr. McManama then moved to amend said bill by striking out the second section.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McManama and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	J. B. Haydon,	O. D. McManama,
W. McKee Fox,	A. L. Martin,	A. G. Talbott—7.
H. S. Hale,		

Those who voted in the negative, were—

John S. Barlow,	William P. Duvall,	G. A. C. Holt,
Robert Boyd,	W. W. Frazer,	I. L. Hyatt,
James F. Clay,	John J. Gatewood,	Wm. Johnson,
John E. Cooper,	Jesse C. Gilbert,	Alfred T. Pope,
F. W. Darby,	D. R. Haggard,	W. H. Sneed—15.

Mr. Pope then moved to amend said bill as follows, viz:

Add to the bill the following additional section: That no bank or banks shall have the right hereunder, or otherwise, to consolidate with any bank located or situated in a different county, but only those banks located in the same county shall have the right to consolidate: *Provided*, That the provisions of this bill shall apply only to the county of Jefferson.

Mr. Holt then moved to amend the amendment proposed by Mr. Pope by adding thereto the following proviso, viz:

Provided, Before any consolidation under this act shall be lawful, each stockholder withholding his consent to such consolidation shall be paid the highest market value of his stock at the time of such consolidation.

Mr. Talbott then moved to lay said bill and proposed amendments on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Talbott and McManama, were as follows, viz:

Those who voted in the affirmative, were—

J. B. Haydon,	A. L. Martin,	A. G. Talbott—3.

Those who voted in the negative, were—

John S. Barlow,	W. McKee Fox,	G. A. C. Holt,
Robert Boyd,	W. W. Frazer,	I. L. Hyatt,
R. A. Burton,	John J. Gatewood,	Wm. Johnson,
James F. Clay,	Jesse C. Gilbert,	O. D. McManama,
John E. Cooper,	D. R. Haggard,	Alfred T. Pope,
William P. Duvall,	H. S. Hale,	W. H. Sneed—18.

The question was then taken on the adoption of the amendment proposed by Mr. Holt, and it was decided in the affirmative.

The question was then taken on the adoption of the amendment proposed by Mr. Pope, as amended, and it was decided in the affirmative.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended to read,

An act for the benefit of the incorporated banks of the county of Jefferson.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Lexington and Newtown Turnpike Road;

An act to amend the charter of the town of Cynthiana, in Harrison county;

An act to amend the charter of the Georgetown and Paris Turnpike Road Company;

An act concerning the appointment of a superintendent and commissioner of roads and bridges for Ohio county;

An act for the benefit of the Louisville Industrial Exposition, and to amend the charter thereof;

An act for the benefit of W. E. Clelland, late sheriff of Mercer county;

An act authorizing the sale of the poor-house farm in Estill county;

An act for the benefit of A. H. Ditto, committee of Polly Miller, a pauper idiot, of Henry county;

An act to incorporate the city of Mayfield;

An act for the benefit of the kindred of Pierre Victor Eustache, deceased, late of McCracken county;

An act to incorporate the town of Beaver Dam, in Ohio county;

An act to authorize the poor-house commissioners of Ohio county to sell the old poor-house property of said county;

An act for the benefit of Belleville H. Herndon;

An act for the benefit of Wm. Pollard, committee of Eliza Pollard, a pauper idiot of Henry county;

An act to locate and define the county line between Estill and Lee counties;

An act for the benefit of John Scott, of Pike county;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the St. Joseph's Catholic Benevolent Society, of Frankfort;

An act to abolish the quarterly court in Ballard county;

An act in relation to the city of Vanceburg;

An act authorizing the Lewis county court to levy an additional tax to pay off the debts of said county, and to aid in the building of turnpike roads in said county;

An act for the benefit of Cold Spring school district, in Campbell county;

An act in regard to turnpike roads in Garrard county in which said county owns stock;

An act for the benefit of common school district No. 24, in Larue county;

An act to incorporate the Buffalo Furnace Company;

An act for the benefit of Solomon Downey, pauper idiot, of Henry county;

An act to incorporate the Board of Trustees of the Kentucky Annual Conference of the Methodist Episcopal Church;

An act to amend the charter of the Manufacturers' Bank;

An act to incorporate the Agricultural and Mechanical Association of the Colored People of Bourbon county;

An act to amend the charter of the Lebanon Female College;

An act to charter the Hustonville Cemetery Company;

An act to amend the charter and the amendments thereto incorporating the town of Crab Orchard;

An act to enable the county court of Laurel county to levy an ad valorem tax for the purpose of building a new jail, and for other purposes;

An act to allow the bona fide voters of the Garnettsville district, in Meade county, to vote for or against the sale of spirituous, vinous, and malt liquors in said district;

An act to extend the limits of the town of Paradise, in Muhlenburg county;

An act to amend the charter of the Simpsonville and Buck Creek Turnpike Road Company, in Shelby county;

An act to amend an act approved January 24th, 1872, entitled "An act to authorize the clerk of the Nelson county court to make a cross-

index to deeds in his office, and transcribe the marriage register in said office;"

An act to amend the charter of the Fisherville and Buck Creek Turnpike Road Company;

An act to incorporate the Willisburgh and Thompsonville and Pleasant Run Turnpike Road Company;

An act to authorize the county court of Whitley county to increase taxes for county purposes;

An act to incorporate the Maysville Coal, Salt, and Transfer Company;

An act to repeal so much of an act, entitled "An act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson, as applies to the counties of Cumberland, Clinton, Adair, Russell, and Todd;"

An act to amend the charter of the Kentucky Masonic Relief Association;

An act to incorporate the Oak Ridge Turnpike Road Company, in Mercer county;

An act to amend an act, entitled "An act for the benefit of the citizens of Garrard county;"

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county;"

An act to amend an act, entitled "An act for the protection of livery stable-keepers in this Commonwealth," approved January 31st, 1872;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Duvall, from the Committee on Internal Improvement—

An act to authorize the change of the State road at Cane creek bridge, between Milburn and Columbus.

By same—

An act for the benefit of the Falmouth and Claysville Turnpike Road, in Pendleton county.

By same—

An act to amend the act incorporating the Cabin Creek Turnpike Road Company.

By same—

An act to amend the charter of the Winchester and Muddy Creek Turnpike Road Company.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act for the benefit of Arnold L. Hardy.

By same—

An act to fix the time of holding the Garrard circuit court.

By same—

An act to amend an act, entitled "An act fixing the terms of the circuit courts in the tenth judicial district."

By Mr. Gatewood, from the Committee on Education—

An act for the benfit of school district No. 34, in Garrard county.

By same—

An act to incorporate the Prestonsburg Academy and Normal School Joint Stock Company.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

An act to incorporate the St. Patrick's Benevolent Society, of Paris.

By Mr. Hale, from the Committee on Finance—

An act for the benefit of R. F. Scott, sheriff of Garrard county.

With an amendment as a substitute for the last named bill.

Which was adopted.

Ordered, That said bills, the last named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Haggard presented the petition of Scott Walker, praying the passage of a bill for the more complete suppression of crime in this Commonwealth.

Which was received, the reading dispensed with, and referred to the Committee on Courts of Justice.

Mr. Barlow, from the Committee on Claims, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Barney Sisk, jailer of Hopkins county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	I. L. Hyatt,
Robert Boyd,	John J. Gatewood,	Wm. Johnson,
R. A. Burton,	Jesse C. Gilbert,	A. L. Martin,
James F. Clay,	D. R. Haggard,	O. D. McManama,
John E. Cooper,	H. S. Hale,	Alfred T. Pope,
F. W. Darby,	J. B. Haydon,	W. H. Sneed,
William P. Duvall,	G. A. C. Holt,	A. G. Talbott—22.
W. McKee Fox,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. Barlow, from the Committee on Claims, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Wm. Chamberland, of Russell county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	I. L. Hyatt,
Robert Boyd,	John J. Gatewood,	Wm. Johnson,
R. A. Burton,	Jesse C. Gilbert,	A. L. Martin,
James F. Clay,	D. R. Haggard,	O. D. McManama,
G. W. Connor,	H. S. Hale,	Alfred T. Pope,
John E. Cooper,	J. B. Haydon,	W. H. Sneed,
F. W. Darby,	G. A. C. Holt,	A. G. Talbott—22.
W. McKee Fox,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Duvall, from the Committee on Internal Improvement—

A bill to incorporate the Sodom Turnpike Road Company, in Scott county.

By Mr. Talbott, from the Committee on Railroads—

A bill to amend an act, entitled "An act to incorporate the Cairo and Tennessee River Railroad Company," approved March 10th, 1873.

By Mr. Frazer, from the Committee on Banks and Insurance—

A bill to amend the charter of the Christian County Bank.

By Mr. Holt, from the Committee on Courts of Justice—

A bill to amend an act, entitled "An act to incorporate the Central West Kentucky Agricultural and Mechanical Association, in Graves county," approved February 25th, 1860.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

A bill to incorporate the Frankfort True Friend Society.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

A bill to amend the execution laws of this Commonwealth.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last was ordered to be printed, and made the special order of the day for Thursday next, the 27th inst., and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On motion, leave of absence, indefinitely, was granted Mr. John W. Johnson.

A message was received from the House of Representatives, asking to withdraw the announcement of their disagreement to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of Samuel Worley, of Butler county.

Which was granted, and the bill delivered to the messenger.

And then the Senate adjourned.

WEDNESDAY, MARCH 26, 1873.

Hon. Wm. Johnson presiding.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate Phantom Lodge, No. 15, of the Knights of Pythias.

An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county.

An act to incorporate the town of Hanson, in Hopkins county.

An act to amend the charter of the town of Marion, in Crittenden county.

An act to amend the charter of the town of Frenchburg, in Menifee county.

An act to amend the charter of the town of Brooksville, in Bracken county.

Title changed, viz:

An act to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Brooksville, in Bracken county."

An act to amend the charter of the Louisville House of Refuge.

Title changed, viz:

An act in relation to the punishment of persons aiding in the escape of inmates from the Louisville House of Refuge.

An act to incorporate the Union Agricultural and Mechanical Association, near Fort Jefferson, in Ballard county.

An act to provide for organizing and establishing a system of public schools in Winchester.

An act to authorize the county of Hickman to raise a sinking fund for county purposes.

Title changed, viz:

An act to authorize the Hickman county court to issue bonds for bridges and to raise a sinking fund to pay same.

An act for the benefit of R. F. Scott, sheriff of Garrard county.

That they had refused to concur in the adoption of a resolution, which originated in the Senate, entitled

Resolution in relation to the duties of the Commissioners on the Revision of the Statutes.

That they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act amending sections 87 and 450 of the Civil Code of Practice.

The Senate took up for consideration a bill, entitled

A bill to amend chapter 102, entitled "Treasury Warrant Claims," of the Revised Statutes.

The question was then taken on the amendment heretofore proposed by Mr. Martin, which reads as follows, viz:

Nothing in this act shall be so construed as to affect any proceedings heretofore had under said chapter, and the Register of the Land Office may issue patents for surveys already made as if this act had not already passed,

And it was decided in the affirmative.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Haggard, from the Committee on Internal Improvement, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to repeal an act, entitled "An act to amend an act, entitled 'An act to charter the Crab Orchard and Crew's Knob Turnpike Company,'" approved March 20th, 1872,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to amend an act, entitled "An act to amend section four of article two of chapter eighty-three, of the Revised Statutes, regulating tax on theatrical performances," approved January 14th, 1871.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled "An act to amend section four of article two of chapter eighty-three, of the Revised Statutes, regulating tax on theatrical performances," be, and the same is hereby, so amended, that from and after the passage of this act the proprietors or managers of any itinerant theatrical performance shall be required to pay a license tax to the State of only ten dollars for each day's exhibition in any county or city in this State, where the largest city or town in said county shall contain less than six thousand inhabitants.

§ 2. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Frazer and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton, A. L. Martin, A. G. Talbott—3.

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	Wm. Johnson,
Robert Boyd,	John J. Gatewood,	A. L. McAfee,
James F. Clay,	Jesse C Gilbert,	O. D. McManama,
G. W. Connor,	D. R. Haggard,	Alfred T. Pope,
John E. Cooper,	H. S. Hale,	K. F. Prichard,
F. W. Darby,	J. B. Haydon,	W. H. Sneed,
William P. Duvall,	I. L. Hyatt,	W. L. Vories—22.
W. McKee Fox,		

Mr. Prichard moved to reconsider the vote by which the Senate had rejected said bill.

Which motion was simply entered.

The Senate took up for consideration a bill, entitled

A bill to amend the execution laws of this Commonwealth.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Talbott, from the Committee on Railroads—

A bill to incorporate the Mountain Railroad, Mining, and Manufacturing Company.

By Mr. McManama, from a select committee—

A bill providing for levying a tax in aid of common schools in Grant and Pendleton counties.

By same—

A bill to change the time of holding the Grant county quarterly courts.

By same—

A bill to prevent cattle, horses, sheep, mules, and jennets from running loose on the public highways within a radius of two miles of the Dry Ridge, in Grant county.

By same—

A bill to incorporate the Dry Ridge, Knoxville, and Demossville Turnpike Road Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hale, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of the Auditor of Public Accounts,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
Robert Boyd,	John J. Gatewood,	A. L. McAfee,
R. A. Burton,	Jesse C. Gilbert,	O. D. McManama,
James F. Clay,	D. R. Haggard,	Alfred T. Pope,
G. W. Connor,	H. S. Hale,	K. F. Prichard,
John E. Cooper,	J. B. Haydon,	W. H. Sneed,

F. W. Darby, G. A. C. Holt, A. G. Talbott,
William P. Duvall, I. L. Hyatt, W. L. Vories—26.
W. McKee Fox, William Johnson,

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to authorize the payment of fees to the Register of the Land Office in certain cases.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter the Register of the Land Office shall be allowed a fee of fifty cents on each patent issued by him, and a fee of fifty cents for each copy of a patent, the same to be paid by the party obtaining the patent or ordering the copy.

§ 2. All acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Haggard and Haydon, were as follows, viz:

Those who voted in the affirmative, were—

James F. Clay, I. L. Hyatt, O. D. McManama,
G. W. Connor, Wm. Johnson, K. F. Prichard,
W. McKee Fox, A. L. Martin, W. H. Sneed,
W. W. Frazer, A. L. McAfee, A. G. Talbott—13.
Jesse C. Gilbert,

Those who voted in the negative, were—

John S. Barlow, William P. Duvall, H. S. Hale,
Robert Boyd, John J. Gatewood, J. B. Haydon,
R. A. Burton, D. R. Haggard, Alfred T. Pope—10.
John E. Cooper,

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of James Ficklin, sheriff of Bath county.

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	A. L. Martin,
Robert Boyd,	Jesse C. Gilbert,	A. L. McAfee,
R. A. Burton,	D. R. Haggard,	O. D. McManama,
G. W. Connor,	H. S. Hale,	Alfred T. Pope,
John E. Cooper,	J. B. Haydon,	K. F. Prichard,
F. W. Darby,	I. L. Hyatt,	W. H. Sneed,
William P. Duvall,	Wm. Johnson,	A. G. Talbott—22.
W. W. Frazer,		

In the negative, W. McKee Fox—1.

Resolved, That the title of said bill be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Vories—

1. A bill for the incorporation of the Kentucky Mutual Protective Association.

On motion of same—

2. A bill to change the time of holding the quarterly courts of Trimble county.

Ordered, That the Committee on Banks and Insurance prepare and bring in the 1st, and the Committee on Courts of Justice the 2d.

Mr. Prichard moved the following resolution, viz:

Resolved, That the Insurance Commissioner be requested to furnish the Senate with information, showing the amount of money paid to the officers and clerks of the Insurance Bureau for the last year; also all sums paid out on account of the same; also the amount collected from Insurance Companies or other sources, and from what companies or source, and what disposition has been made of the same.

Which was adopted.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had rejected a bill, entitled

An act to protect the public buildings in the city of Frankfort and its vicinity, belonging to the State.

On motion,

Ordered, That the further consideration thereof be postponed till Friday evening next.

Mr. Boyd, from the Committee on Propositions and Grievances, reported a bill, entitled

A bill to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

The hour for which the special order, viz: the revision of the Statutes, having arrived, the further action thereon was cut off.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report.

Mr. Pope moved the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the enrolling clerks are hereby directed, in enrolling the chapter of the Revised Statutes on contracts, to omit sections sixteen, seventeen, eighteen, nineteen, and twenty of said chapter.

Which was adopted.

The Senate resumed the consideration of the Report of the Joint Committee on the Revision of the Statutes.

The Senate took up for consideration the amendment proposed by Mr. Gilbert to the first section of article one, chapter "Descent and Distribution," embracing the eighth subdivision.

That section reads as follows, viz:

(1 *R. S., p.* 419.) § 1. When a person having right or title to any real estate of inheritance, shall die intestate as to such estate, it shall descend in parcenary to his kindred, male and female, in the following course:

1. To his children and their descendants; if none, then —
2. To his father; if none, then—
3. To his mother, brothers, and sisters, and their descendants; if none, then—
4. One moiety of the estate shall go to the paternal, and the other to the maternal kindred, in the following course:
5. First, to the grandfather; if none, then—
6. To the grandmother, uncles, and aunts, and their descendants; if none, then—
7. To the great grandfathers, or great grandfather, if there is but one; if none, then—
8. To the great grandmothers, or great grandmother, if there is but one, and the brothers and sisters of the grandfathers and grandmothers, and their descendants; and so on in other cases without end, passing to the nearest lineal male ancestors, and, for the want of them, to the nearest lineal female ancestors in the same degree, and the descendants of such male and female ancestors.

The amendment proposed by Mr. Gilbert reads as follows, viz:

§ 4. When a person having right or title to any real estate of inheritance shall die intestate as to such estate, it shall descend in parcenary to his kindred, male and female, in the following order, except as otherwise herein provided, viz:

1st. To his children and their descendants; if none, then—

2d. To his father and mother, if both are living, one moiety each; but if the father be dead, then the mother, if living, shall inherit one moiety, and the other moiety shall descend to the brothers and sisters and their

descendants; if the mother be dead, then the whole estate shall pass to the father; if no father nor mother, then—

3d. To his brothers and sisters and their descendants; if none, then—

4th. One moiety of the estate shall pass to the paternal and the other to the maternal kindred, in the following order:

5th. First to the grandfather and grandmother equally, if both be living; but if one be dead, then the entire moiety shall go to the survivor; if no grandfather or grandmother, then—

6th. To the uncles and aunts and their descendants; if none, then—

7th. To the great grandfathers and great grandmothers in the same manner prescribed for grandfather and grandmother in subsection 5; if none, then—

8th. To the brothers and sisters of the grandfathers and grandmothers and their descendants; and so on in other cases without end, passing to the nearest lineal ancestors and their descendants as herein prescribed.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	K. F. Prichard,
Robert Boyd,	H. S. Hale,	W. H. Sneed,
William P. Duvall,	G. A. C. Holt,	A. G. Talbott,
John J. Gatewood,	I. L. Hyatt,	W. L. Vories—14.
Jesse C. Gilbert,	A. L. McAfee,	

Those who voted in the negative, were—

R. A. Burton,	F. W. Darby,	Wm. Johnson,
James F. Clay,	W. W. Frazer,	A. L. Martin,
John E. Cooper,	J. B. Haydon,	Alfred T. Pope—9.

The chapter was then adopted.

Chapters fifty-eight and fifty-nine were then adopted.

The Senate took up for consideration chapter sixty, "Interest and Usury."

Mr. Cooper moved to strike out article two of said chapter.

The article reads as follows, viz:

(*S. A.* 1871, *p.* 61.) § 1. It shall be lawful for all persons to contract, by memorandum in writing, signed by the party or parties chargeable thereon, and not otherwise, to pay or receive any rate of interest for the loan or forbearance of money which may be agreed on by the parties to such contract, greater than six and not exceeding ten dollars upon one hundred dollars for a year; and at the same rate for a greater or less sum; and for a longer or shorter time.

§ 2. Judgments rendered upon any contract in writing for the payment of money shall bear the same lawful rate of interest which is provided by such contract; but upon contracts in which no rate of interest is agreed upon, the judgment shall bear six per cent. per annum.

§ 3. After the death of the payor or obligor of a contract for the loan or forbearance of money at a higher rate of interest than six per centum

per annum, such contract after maturity, and any judgment rendered thereon, shall bear six per centum per annum.

§ 4. If any rate of interest, exceeding the rate authorized by the first section of this article, shall be charged, the whole interest shall be forfeited; and if the lender in such usurious contract refuse, before suit brought, a tender of the principal without interest, he may, in any suit brought on such contract or assurance, recover the principal, but shall pay the costs of such suit.

§ 5. Nothing in this act shall be construed to authorize any bank or other incorporated institution to charge a greater amount, including exchange, than ten per cent. per annum on any bill, bond, note, or other obligation discounted or purchased by it.

The question was then taken on the motion made by Mr. Cooper, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and Haydon, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	D. R. Haggard,	O. D. McManama,
John E. Cooper,	J. B. Haydon,	A. G. Talbott—8.
William P. Duvall,	G. A. C. Holt,	

Those who voted in the negative, were—

John S. Barlow,	John J. Gatewood,	A. L. McAfee,
Robert Boyd,	Jesse C. Gilbert,	Alfred T. Pope,
James F. Clay,	H. S. Hale,	K. F. Prichard,
F. W. Darby,	I. L. Hyatt,	W. H. Sneed,
W. McKee Fox,	Wm. Johnson,	W. L. Vories—17.
W. W. Frazer,	A. L. Martin,	

The chapter was then adopted.

The following message was received from the House of Representatives, viz:

IN HOUSE OF REPRESENTATIVES, March 25th, 1873.

The House has adopted, as reported from the Senate, chapter twenty-nine, title "Courts," with the following amendments thereto:

1. Amend section one, article two, in line one, by inserting after the word "majority," the words "or any one." Add at close of said section these words: "*Provided*, That if only one of the judges cannot sit on the trial of such cause or causes, then a special judge shall not be appointed, unless, on the calling of the cause, one of the parties thereto shall apply to the court to notify the Governor that such party desires such appointment."

2. Amend section three of article three by striking out in line two the words "and fifty cents."

3. Amend section five, article five, in line forty, by striking out the words "twenty-four," and inserting in lieu thereof the word "eighteen."

In forty-first line of same section, strike out all after the word "Hart," to, and including, the word "days," and insert in lieu thereof the words, "fourth Monday in April and October eighteen days."

4. Strike out of line fifty-three of same section the words "third Monday in January," and insert in lieu thereof the words "second Monday in February;" and in line fifty-four, strike out the word "July," and insert in lieu thereof the word "August." In line fifty-eight, of same section, strike out after the word "November," the word "nine," and insert in lieu thereof the word "twelve." In same line, strike out the words "Thursday next after the second," and insert in lieu thereof the word "third." In line fifty-nine, strike out the word "nine," and insert the word "twelve." In same line, strike out the word "fourth," and insert in lieu thereof the word "first." In the same line, strike out the words "May and November," and insert in lieu thereof the words "June and December." In line sixty, strike out the word "ten," and insert in lieu thereof the word "twelve."

5. In line sixty-eight, of same section, after the word "Fayette," strike out all down to the word "Scott," and insert in lieu thereof the words "third Monday in May, to hold twenty-four days; third Monday in November, to hold twenty-four days, and a criminal term on the first Monday in February, to continue twelve days." In line seventy-seven, strike out all after the word "Jessamine," and insert in lieu thereof the words "third Mondays in February and August, to continue twelve days each."

6. In article twenty-one, section one, in fourth line, strike out the word "fifty," and insert in lieu thereof the words "one hundred."

7. Add as an additional section:

§ —. Whenever the circuit court, in its judgment or final order in any civil or penal case or prosecution for a misdemeanor (if it be a judgment or final order from which the Court of Appeals has not now by law jurisdiction to hear an appeal), shall state that there is properly and legitimately involved in the cause a question arising under the Constitution of Kentucky or the Constitution of the United States, which question the circuit court has decided adversely to the party taking or praying the appeal, then, and in that event, the Court of Appeals shall have the jurisdiction to decide upon the constitutional question involved, without limitation as to the amount in controversy.

The question was then taken on concurring in the first amendment, and it was decided in the negative.

The question was then taken on concurring in the second amendment, and it was decided in the negative.

The third, fourth, and fifth amendments were then concurred in.

The question was then taken on concurring in the sixth amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hale and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	G. A. C. Holt,
R. A. Burton,	Jesse C. Gilbert,	A. L. McAfee,
James F. Clay,	H. S. Hale,	W. L. Vories—10.
William P. Duvall,		

Those who voted in the negative, were—

Robert Boyd,	J. B. Haydon,	K. F. Prichard,
W. McKee Fox,	I. L. Hyatt,	W. H. Sneed,
John J. Gatewood,	William Johnson,	A. G. Talbott—11.
D. R. Haggard,	A. L. Martin,	

The seventh amendment was then concurred in.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, of the following title, viz:

An act to amend chapter 47 of the Revised Statutes, entitled "Husband and Wife;"

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Wm. H. Fitzpatrick, sheriff of Floyd county for the years 1871 and 1872;

An act to incorporate the Central Kentucky Coal and Mining Company;

An act to organize Urania school district, in Barren county;

An act for the benefit of Wilson Morgan, late sheriff of Clay county;

An act to organize the Morganfield public school;

An act for the benefit of John A. Lafferty, late sheriff of Harrison county;

An act to amend an act, entitled "An act to incorporate the Rebeckah Benevolent Society, of Covington;"

An act to incorporate the Covington Mining and Manufacturing Company;

An act for the benefit of the Glasgow Railroad;

An act for the benefit of Rockcastle county;

An act to incorporate the Lebanon and Pope's Creek Turnpike Road Company;

An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville;

An act to repeal an act, entitled "An act for the benefit of Levi Kash, judge of the Wolfe county and quarterly courts," approved March 6th, 1868;

An act to incorporate Brothers' Lodge, No. 132, Independent Order of Odd Fellows, of Owensboro;

An act to incorporate Daniel Boone Lodge, No. 2, Knights of Pythias, in the city of Louisville;

An act to incorporate the Baptist Church at Elkton, Todd county;

An act for the benefit of John W. Duncan, sheriff of Wayne county;

An act for the benefit of John L. Slavin, former sheriff of Garrard county;

An act for the benefit of school district No. 45, in Ballard county;

An act for the benefit of common schools in Kentucky;

An act to authorize the Anderson county court to issue bonds and levy a tax for the relief of certain citizens of Lawrenceburg;

An act to incorporate the Fox Creek and Washington County Turnpike Road Company;

An act to amend an act to incorporate the Bourbon Female College, approved March 14th, 1872;

An act to incorporate the Paris Harmonic Society, of Paris;

An act to incorporate the Alexandria Cemetery Company, in Campbell county;

An act to authorize the school commissioner of Campbell county to redistrict the school districts of said county, and to repeal an act, entitled "An act to provide for the redistricting the school districts of Campbell county," approved March 5th, 1872;

An act to amend an act, entitled "An act to incorporate the Little Benson and Lane's Mill Turnpike Road Company," approved March 20th, 1871;

An act to amend an act to incorporate the Highland Racing Park Association;

An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company;

An act to amend the charter of the Nicholasville and Kentucky River Turnpike Road Company;

An act to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Boone Mining and Manufacturing Company,'" approved February 13th, 1873;

An act amending an act incorporating the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company;

An act to exempt certain persons in Fayette and Scott counties from work on public roads;

An act to amend the charter of the Elizabethtown and Paducah Railroad Company;

An act to incorporate the Evansville and Henderson Railroad Packet Company;

An act to incorporate the St. Augustine Cemetery, near Lebanon.

An act for the benefit of J. C. Calhoun, late sheriff of McCracken county;

An act for the benefit of George P. Gillem, sheriff of Logan county;

An act to amend an act, entitled "An act to charter the Owensboro and Russellville Railroad Company;"

An act to amend the charter of the Big Sandy Valley Railroad Company;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

THURSDAY, MARCH 27, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Kentucky and Great Eastern Railway Company.'"

An act for the benefit of keepers of licensed stud horses, jacks, and bulls.

With an amendment to each of said bills.

The last of which was taken up, twice read, and concurred in, with an amendment to said amendment.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to prohibit the sale of spirituous or intoxicating liquors at Cropper's Depot, in Shelby county.

2. An act to amend an act to incorporate Lost Fork and Otter Creek Turnpike Road Company, in Madison county," approved March 16th, 1869.

3. An act to incorporate the Eastern Kentucky Coal, Iron, Lumber, Land, and Manufacturing Company.

4. An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile and a half of West Bend, Powell county.

5. An act for the benefit of the Kiddville and Montgomery Turnpike Road Company.

6. An act to amend an act, entitled "An act to incorporate the Mount Sterling Water-works Company."

7. An act to amend the charter of the Winchester Cemetery Company.

8. An act to authorize the appointment of an additional examiner to take depositions in and for Floyd county.

9. An act to amend an act, entitled "An act to amend and make into one the several acts relating to the charter and amendments thereto, of the town of Mount Sterling," approved March 18th, 1871.

10. An act to incorporate the Mount Sterling Gas-light Company.

11. An act to amend the charter of the Lexington and Winchester Turnpike Company.

12. An act for the benefit of Montgomery, Clark, and Bath counties.

13. An act for the benefit of William Little, curator of the estate of Robert E. Moore, deceased.

14. An act to amend the charter of the Newport and Dayton Street Railway Company.

15. An act affixing penalties and forfeitures upon corporations and persons exercising corporate powers that are required to give bonds, and have failed to do so.

16. An act for the benefit of Wm. R. Williams, of Elliott county.

17. An act for the benefit of M. T. Lowery, of Jessamine county.

18. An act to cause a head and foot-stone to be erected over the grave of Henry Morton (of color).

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 4th to the

Committee on Religion and Morals; the 2d, 5th, and 11th to the Committee on Internal Improvement; the 3d and 6th to the Committee on Agriculture and Manufactures; the 7th to the Committee on Charitable Institutions; the 8th to the Committee on Library and Public Buildings and Offices; the 9th and 10th to the Committee on Revised Statutes and Codes of Practice; the 12th to the Committee on Courts of Justice; the 13th and 18th to the Committee on Finance; the 14th to the Committee on Railroads; the 15th to the Committee on the Judiciary; the 16th to the Committee on Claims, and the 17th to the Committee on Military Affairs.

Mr. Talbott moved to reconsider the vote by which the Senate had, on yesterday, passed a bill, entitled

An act to authorize the payment of fees to the Register of the Land Office in certain cases.

Which motion was simply entered.

The Senate resumed the consideration of the unfinished report from the Committee on Propositions and Grievances, which was cut off by the special order on yesterday, viz:

A bill to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road.

On motion,

Ordered, That the further consideration of said bill be postponed until to-morrow night.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to protect the owners of breeding and training farms and stables,

Together with the disagreement of the House of Representatives to the amendment proposed by the Senate to said bill.

The question was then taken, "Will the Senate adhere to their amendment?" and it was decided in the negative.

The vote by which the Senate had passed said bill, together with the vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, were also dispensed with.

Mr. Sneed then proposed an amendment to said bill.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend an act, entitled "An act to incorporate the Kentucky and Great Eastern Railway Company."

On motion,

Ordered, That the further consideration thereof be postponed till Saturday next, the 29th inst.

The Senate took up for consideration a bill, entitled

A bill concerning the various charitable institutions in this Commonwealth.

Ordered, That the further consideration thereof be postponed to, and made the special order of the day for, Tuesday next, the 1st of April.

Leave was given to bring in the following bills, viz:

On motion of Mr. Clay—

1. A bill to incorporate the Henderson Library Association.

On motion of Mr. Pope—

2. A bill to incorporate the Pickett Tobacco Warehouse, of Louisville.

On motion of Mr. McManama—

3. A bill to incorporate the public schools of Falmouth and district No. 1, in Pendleton county.

Ordered, That the Committee on Charitable Institutions prepare and bring in the 1st; the Committee on Agriculture and Manufactures the 2d, and the Committee on Education the 3d.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

A bill to incorporate the Henderson Library Association.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to change the time of holding the September term of the Trimble county quarterly court.

By Mr Prichard, from the Committee on the Judiciary—

A bill to repeal section seventeen of an act to incorporate the Chataroi Railway Company, approved March 11th, 1873.

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill for the benefit of C. M. Hanks, jailer of Wolfe county.

By Mr. Clay, from the Committee on Railroads—

A bill to amend an act, entitled "An act to incorporate the Princeton, Marion, and Ohio River Railroad Company," approved March 28th, 1872.

By Mr. Holt, from the Committee on Courts of Justice—

A bill for the benefit of the sheriff of Trigg county.

By Mr. Prichard, from the Committee on the Judiciary—

A bill to provide for the registration of bonds and obligations issued by counties, districts, municipal corporations, and other corporations.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last was ordered to be printed, and placed in the orders of the day, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to enable the court of claims of Henry county to pay the county indebtedness.

By Mr. Prichard, from the Committee on the Judiciary—

An act to amend the original and amended acts incorporating the town of Earlington.

By Mr. Clay, from the Committee on Railroads—

An act to amend the charter of the South Kentucky Railway Company.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act providing for copying the surveys, plats, and certificates of land in Warren county.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Clay, from the Committee on the Judiciary—

An act to amend an act, entitled "An act to amend the charter of the town of Lancaster;"

By Mr. Prichard, from the Committee on the Judiciary—

An act to regulate the official sales of real and personal property in the county of Bracken;

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act to incorporate the Benevolent Society of Colored People of Millville, in Woodford county;

By same—

An act to amend an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association;"

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Mr. Talbott then moved to reconsider the vote by which the first named of said bills had been disagreed to.

Which motion was simply entered.

Mr. Haggard, from the Committee on Propositions and Grievances, to whom had been recommitted a bill, entitled

A bill for the benefit of J. W. Bradhorn, of Hardin county, and others,

Reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Haggard, from the Committee on Propositions and Grievances, reported a bill, entitled

A bill for the benefit of J. T. Quarles.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

WHEREAS, Lewis L. Jones, a fugitive from justice of the State of Kentucky, was, under a proclamation of the Governor, captured and arrested in the State of Kansas, and conveyed to the county of Pendleton, in this State, by J. T. Quarles, and the said Quarles is entitled to reasonable compensation for conveying said Jones from the State of Kansas and delivering him to the jailer of Pendleton county; now, therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of State be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of J. T. Quarles for the sum of one hundred and fifty dollars.

§ 2. This act shall take effect and be in force from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	O. D. McManama,
Robert Boyd,	John J. Gatewood,	Alfred T. Pope,
James F. Clay,	Jesse C. Gilbert,	K. F. Prichard,
John E. Cooper,	D. R. Haggard,	W. H. Sneed,
F. W. Darby,	H. S. Hale,	A. G. Talbott,
William P. Duvall,	William Johnson,	W. L. Vories—20.
W. McKee Fox,	A. L. Martin,	

In the negative, J. B. Haydon—1.

Resolved, That the title of said bill be as aforesaid.

Mr. Cooper moved the following resolution, viz:

Resolved, That on and after Friday next the Senate shall meet as now provided for, and shall adjourn on each day at the hour of one o'clock, P. M.; and that so much of a former resolution as requires night sessions, be, and the same is hereby, repealed.

Which was twice read and adopted.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and

signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of the Louisville Industrial Exposition, and to amend the charter thereof.

An act to incorporate the Maysville Manufacturing Association.

An act for the benefit of A. H. Ditto, committee of Polly Miller, a pauper idiot, of Henry county.

An act for the benefit of Belleville H. Herndon.

An act for the benefit of Wm. Pollard, committee of Eliza Pollard, a pauper idiot of Henry county.

An act to locate and define the county line between Estill and Lee counties.

An act to authorize the poor-house commissioners of Ohio county to sell the old poor-house property of said county.

An act for the benefit of the kindred of Pierre Victor Eustache, deceased, late of McCracken county.

An act to incorporate the city of Mayfield.

An act to amend the charter of the Lexington and Newtown Turnpike Road.

An act concerning the appointment of a superintendent and commissioner of roads and bridges for Ohio county.

An act to amend the charter of the Georgetown and Paris Turnpike Road Company.

An act for the benefit of W. E. Clelland, late sheriff of Mercer county.

An act authorizing the sale of the poor-house farm in Estill county.

An act to amend the charter of the town of Cynthiana, in Harrison county.

Mr. Gatewood was added to the Committee on Claims.

Mr. Gatewood moved the following resolution, viz:

Resolved, That the Register of the Land Office report to the Senate the number of patents issued from the Land Office annually for the years 1870, 1871, and 1872, and how many copies of patents made during said period; also, how much money during such of these years have been paid into the Treasury from these sources.

The rule requiring said resolution to lie over one day being dispensed with, it was taken up, twice read, and adopted.

Mr. Pope moved to reconsider the vote by which the Senate, on yesterday, adopted a resolution, entitled

Resolution in relation to the enrolling of certain sections of the chapter on Contracts, of Revised Statutes.

And the question being taken thereon, it was decided in the affirmative.

Mr. Talbott moved to reconsider the vote by which the Senate, on yesterday, passed a bill, which originated in the House of Representatives, entitled

An act to repeal an act, entitled "An act to amend an act, entitled 'An act to charter the Crab Orchard and Crew's Knob Turnpike Company,'" approved March 20th, 1872.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be referred to the Committee on Internal Improvement.

A message was received from the House of Representatives, announcing that they insisted upon their first and second proposed amendments to chapter nineteen of the Revised Statutes.

Mr. Prichard moved the following resolution, viz:

Resolved, That the following Senators be appointed upon the committee of conference, to act with a similar committee on the part of the House of Representatives, upon the disagreement of the two Houses upon the common school bill, viz: chapter nineteen: Messrs. Martin, Pope, and Haydon.

Which was adopted.

A message was received from the House of Representatives, announcing that they had appointed a committee of conference, to act in conjunction with a similar committee appointed on the part of the Senate, whose duty it shall be to take into consideration the disagreement between the two Houses in relation to the first and second amendments proposed by the House of Representatives to the nineteenth chapter (Common Schools) of the Revised Statutes.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report.

The following message was received from the House of Representatives, viz:

Chapters concurred in by House of Representatives without amendment.

Chapter 42, title "Ferries."
Chapter 43, title "Foreign Corporations."
Chapter 44, title "Fraudulent Conveyances and Devises."
Chapter 45, title "Fugitives from Justice."
Chapter 47, title "Gaming."
Chapter 48, title "Guardian and Ward."
Chapter 49, title "Guards, Public."
Chapter 50, title "Heirs and Devisees."
Chapter 51, title "Holidays."

And also chapter 46, title "Game and Small Birds," with the following amendment: Insert the word "September" after the word "August," and strike out the word "or," between the words "July and August," in section three, and second line."

The amendment proposed to chapter 46 was then taken up, twice read, and concurred in.

Chapter 62 was taken up and adopted.

Chapter 63 not yet reported by the joint committee.

Chapter 64 was taken up and adopted.

Chapter 65 was amended and adopted.

Mr. Prichard moved the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the revision of the statutes, as passed on by the two Houses of the General Assembly, shall be enrolled, chapter by chapter; when enrolled, shall be examined by the enrolling committee, and presented to the Governor, who may have an opportunity of examining them, and he having examined the enrolled bills, will, when the Statutes shall have been passed on by the two Houses as a whole, he having examined the work, will be prepared to approve or reject the bill.

Which was unanimously adopted.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act making an appropriation for the benefit of J. C. Farley, of McCracken county;

An act for the benefit of R. W. Lawler, jailer of Franklin county;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of James P. Bailey, late sheriff of Lincoln county;

An act to incorporate Phantom Lodge, No. 15, of the Knights of Pythias;

An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county;

An act to amend the charter of the town of Marion, in Crittenden county;

An act to prohibit the sale of spirituous liquors or intoxicating beverages in Greenup county;

An act to amend the charter of the town of Frenchburg, in Menifee county;

An act to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Brooksville, in Bracken county;"

An act for the benefit of R. F. Scott, sheriff of Garrard county;

An act in relation to the punishment of persons aiding in the escape of inmates from the Louisville House of Refuge;

An act to establish a common school for the benefit of the colored people of Catlettsburg and vicinity;

An act for the benefit of Leonidas H. Voshell, of Boone county;

An act to amend an act, entitled "An act fixing the time of holding the terms of the circuit courts in the tenth judicial district;"

An act to authorize the Hickman county court to issue bonds for bridges, and to raise a sinking fund to pay same;

An act for the benefit of Johnson V. Oakley, of Morgan county;

An act for the benefit of Peter Perry, committee of John Perry, a pauper idiot (of color), of Hart county;

An act chartering the Young Men's Savings Association of New Liberty, Owen county;

An act for the benefit of the Auditor of Public Accounts;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

FRIDAY, MARCH 28, 1873.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, of the following title, viz:

An act to protect the owners of breeding and training farms and stables.

That they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act to provide for the organization and regulation of banking companies, and to repeal various charters.

That they had passed a bill, which originated in the Senate, of the following title, viz:

An act to further amend the charter of the Christian County Bank.

That they had passed bills of the following titles, viz:

1. An act for the benefit of school district No. 62, in Shelby county.

2. An act to amend an act, entitled "An act to cause good schoolhouses to be erected in the Eighth and Ninth Congressional Districts."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was referred to the Committee on Education, and the 1st was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the town of College Hill, in Madison county.

An act to incorporate the Maysville Coal, Salt, and Transfer Company.

An act to incorporate the Board of Trustees of the Kentucky Annual Conference of the Methodist Episcopal Church.

An act to amend the charter and the amendments thereto incorporating the town of Crab Orchard.

An act for the benefit of the Key's Creek Mining and Manufacturing Company, and to reincorporate the same under the name of the Howland Coal and Iron Works.

An act to amend the charter of the Big Sandy Valley Railroad Company.

An act to incorporate the Maysville Manufacturing Association.

An act in relation to the city of Vanceburg.

An act to charter the Hustonville Cemetery Company.

An act in regard to turnpike roads in Garrard county in which said county owns stock.

An act to amend an act approved January 24th, 1872, entitled "An act to authorize the clerk of the Nelson county court to make a cross-index to deeds in his office, and transcribe the marriage register in said office."

An act to incorporate the Willisburgh and Thompsonville and Pleasant Run Turnpike Road Company.

An act to incorporate the Agricultural and Mechanical Association of the Colored People of Bourbon county.

An act to incorporate the St. Joseph's Catholic Benevolent Society, of Frankfort.

An act to amend the charter of the Manufacturers' Bank.

An act authorizing the Lewis county court to levy an additiona tax to pay off the debts of said county, and to aid in the building of turnpike roads in said county.

An act for the benefit of common school district No. 24, in Larue county.

An act for the benefit of Cold Spring school district, in Campbell county.

An act for the benefit of Solomon Downey, pauper idiot, of Henry county.

An act to authorize the county court of Whitley county to increase taxes for county purposes.

An act to incorporate the Oak Ridge Turnpike Road Company, in Mercer county.

An act to amend an act, entitled "An act for the benefit of the citizens of Garrard county."

An act to extend the limits of the town of Paradise, in Muhlenburg county.

An act to enable the county court of Laurel county to levy an ad valorem tax for the purpose of building a new jail, and for other purposes.

An act to amend the charter of the Lebanon Female College.

An act to allow the bona fide voters of the Garnettsville district, in Meade county, to vote for or against the sale of spirituous, vinous, and malt liquors in said district.

An act to repeal so much of an act, entitled "An act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson, as applies to the counties of Cumberland, Clinton, Adair, Russell, and Todd."

An act to amend the charter of the Fisherville and Buck Creek Turnpike Road Company.

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

An act to amend the charter of the Kentucky Masonic Relief Association.

An act to amend an act, entitled "An act for the protection of livery stable-keepers in this Commonwealth," approved January 31st, 1872.

An act to amend the charter of the Simpsonville and Buck Creek Turnpike Road Company, in Shelby county.

An act to incorporate the Buffalo Furnace Company.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Duvall, from the Committee on Internal Improvement—

An act for the benefit of the Iron Works Turnpike Road Company.

By same—

An act to amend an act incorporating the Concord and Tollsboro Turnpike Road Company.

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to amend the charter of the Winchester Cemetery Company.

By Mr. Talbott, from the Committee on Railroads—

An act to amend the charter of the Newport and Dayton Street Railway Company.

By Mr. Martin, from the Committee on Library and Public Buildings and Offices—

An act to authorize the appointment of an additional examiner to take depositions in and for Floyd county.

By Mr. Talbott, from the Committee on Railroads—

An act to amend an act incorporating the Cincinnati, Covington, and Cumberland Gap Railroad Company, approved March 11th, 1867.

With an amendment to the last named bill.

Which was adopted.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

1. A bill for the benefit of the Baptist Church of Bedford, in Trimble county.

By Mr. Gatewood, from the Committee on Education—

2. A bill to charter the public schools of Falmouth and district No. 1, in Pendleton county.

By Mr. Haggard, from the Committee on Internal Improvement—

3. A bill to further amend the charter of the Kentucky River Navigation Company.

By Mr. Talbott, from the Committee on Railroads—

4. A bill to incorporate the Kentucky and Southeastern Railway Company.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

5. A bill to legalize certain orders on the sale of the poor-house property of Morgan county.

By Mr. Haydon, from the Committee on Agriculture and Manufactures—

6. A bill to prohibit the sale of spirituous, vinous, or malt liquors within two miles of Mercer Station, in Muhlenburg county.

By Mr. Pope, from the Committee on the Judiciary—

7. A bill to require attachments from other counties to be noted of record in the office of the county clerk of Jefferson county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 3d and 7th were each ordered to be printed, and made the special order of the day for Wednesday next, the 2d of April, and all the rest were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope moved the following resolution, viz:

Resolved, That the resolution adopted by the Senate on the 9th day of December, 1871, directing the Sergeant-at-Arms to number the seats in the Senate Chamber from one to thirty-eight, inclusive, and providing for the selection of seats in this chamber at the next session of the General Assembly by lot, be, and the same is hereby, rescinded.

Which was twice read and adopted.

Mr. Clay moved the following resolution, viz:

WHEREAS, The Senate is now up with its business of a local character; and whereas, it is necessary for the Committee on Revision of the Statutes to have more time to consider and report more matter for the Senate to act on; therefore, be it

Resolved, That when the Senate adjourns to-day at one o'clock, P. M., it adjourn to meet on Tuesday, April first, at ten o'clock, A. M.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Vories and Clay, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	W. W. Frazer,	I. L. Hyatt,
James F. Clay,	John J. Gatewood,	A. L. Martin,
John E. Cooper,	Jesse C. Gilbert,	Alfred T. Pope,
William P. Duvall,	D. R. Haggard,	W. H. Sneed—13.
W. McKee Fox,		

Those who voted in the negative, were—

John S. Barlow,	J. B. Haydon,	A. G. Talbott,
F. W. Darby,	G. A. C. Holt,	W. L. Vories—8.
H. S. Hale,	Wm. Johnson,	

A message was sent to the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of John J. Macklin, late sheriff of Kenton county.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Martin then moved to reconsider the vote by which the Senate had disagreed to the passage of said bill.

Which motion was simply entered.

Mr. Webb, from the Committee on Agriculture and Manufactures, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to incorporate the Tradewater Navigation and Manufacturing Company,

Reported the same with sundry amendments.

Ordered, That said bill and proposed amendments be printed, and made the special order of the day for Thursday next, the 3d of April.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to incorporate the St. Bernard Transportation Company.

Sundry amendments were proposed to said bill.

Which were adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Hale, leave was given to bring in a bill, entitled

A bill for the benefit of W. R. Bradley, of Hickman county.

Ordered, That the Committee on Courts of Justice prepare and bring in the same.

The following message was received from the House of Representatives, viz:

The House of Representatives have adopted, *without amendment*, the following chapters of the proposed revision of the Statutes, as reported from the Senate, viz:

Chapter 31, title "Currency."

Chapter 32, title "Descent, Distribution, Exempt Property, and Adoption."

Chapter 33, title "Dueling."

Chapter 35, title "Elisor."

Chapter 36, title "Escapes."

Chapter 37, title "Escheat and Escheators."

Chapter 38, title "Evidence."

Chapter 40, title "Executors and Administrators."

To chapter 34, title "Elections," the House has adopted the following amendment, viz:

Strike out the 15th section of article 12, and insert in lieu thereof the following words:

§ 15. Any person convicted of robbery, forgery, counterfeiting, bribery, or perjury, or other like crime, shall forfeit his right of suffrage and right to hold office;

And was adopted with said amendment.

Chapter 39, title "Executions," was also adopted, with the following amendment thereof, viz:

2. In section 6, article 13, strike out all the words (written) after the word "machine," and insert in lieu thereof the words, "and all family portraits and pictures."

3. In article 13, section 8, line 6, strike out the words "this provision is," and insert "these provisions are;" strike out also from conclusion of same section the words, "the wages of a laborer, for work done by him, not to exceed fifty dollars, shall, if he be a *bona fide* housekeeper, with a family, be exempt from attachment or garnishment," and insert in lieu thereof, viz: "the wages not to exceed fifty dollars' of all persons who work for wages, shall, if such person be a *bona fide* housekeeper, with a family, be exempt from attachment, garnishment, or fee bill: *Provided*, That this exemption of fifty dollars shall not apply to debts contracted for food, raiment, or house rent for the family."

Chapter 41, title "Feeble-minded Children," was also adopted, with the following amendments, viz:

4. Strike out section 3, and insert in lieu thereof the following:

§ 3. The Governor is authorized to appoint seven Commissioners, five of whom shall reside in Franklin county, and two in counties adjoining thereto, any four of whom shall constitute a quorum, who shall be confirmed by the Senate before they go into office; each of said Commissioners shall hold his office for two years, and until his successor is qualified. It shall be the duty of said Commissioners to select a Superintendent of said Institution, who shall be a competent physician. The Superintendent shall reside in the Institution, and give his entire time and attention to the duties of his office.

5. Amend section 11, by striking out the first line thereof, and the word "Institution" in the second line; strike out also, in second line, the word "he," and insert in lieu thereof the words "the Superintendent."

6. Amend section 5, in line 3, by adding, after the words "per annum," the words "or so much thereof as may be necessary."

7. Add as additional section:

§ 16. In the purchase of supplies, the Superintendent shall advertise for sealed proposals for the supplies necessary for the proper management of the said Institution, and let the contract for said supplies to the lowest and best bidder.

The amendments proposed to the thirty-fourth, thirty-ninth, and forty-first chapters by the House of Representatives were taken up and concurred in, as was also the proposed additional section.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report.

The Senate then took up for consideration their disagreement to the sixth proposed amendment by the House of Representatives to chapter twenty-nine, title "Courts."

The original section, as reported by the Commissioners, reads as follows, viz:

§ 1. Justices of the peace shall have jurisdiction, exclusive of circuit courts, but concurrent with quarterly courts, of all actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interest and cost, does not exceed fifty dollars in value, and in other cases specially provided by statute.

1. He has original jurisdiction, in law and equity, of all causes of action where the amount in controversy does not exceed twenty dollars.

2. He has power to issue original or final process in any case within his jurisdiction, or which any statute may make it his duty to issue.

3. To issue subpœnas for witnesses.

4. To administer an oath in all cases where it is required by law, or necessary in the exercise of his jurisdiction.

The amendment proposed by the House of Representatives reads as follows, viz:

In article twenty-one, section one, in fourth line, strike out the word "fifty," and insert in lieu thereof the words "one hundred."

The question was then taken on concurring in the amendment proposed by the House of Representatives, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hale and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	James F. Clay,	H. S. Hale,
R. A. Burton,	W. W. Frazer,	G. A. C. Holt—6.

Those who voted in the negative, were—

G. W. Connor,	Jesse C. Gilbert,	O. D. McManama,
John E. Cooper,	D. R. Haggard,	W. H. Sneed,
F. W. Darby,	J. B. Haydon,	A. G. Talbott,
William P. Duvall,	Wm. Johnson,	W. L. Vories,
W. McKee Fox,	A. L. Martin,	Ben. J. Webb—16.
John J. Gatewood,		

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of James Ficklin, sheriff of Montgomery county;

An act in relation to the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company;

An act to incorporate the town of Hanson, in Hopkins county;

An act to incorporate the St. Patrick's Benevolent Society, of Paris;

An act for the benefit of Wm. Chamberland, of Russell county;

An act for the benefit of Barney Sisk, jailer of Hopkins county;

An act to incorporate the Prestonsburg Academy and Normal School Joint Stock Company;

An act to incorporate the Muhlenburg Mining Company;

An act for the benefit of George Sublett, of Elliott county;

An act to authorize the voters of the town of Clinton to vote upon proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of the same;

An act for the benefit of Arnold L. Hardy;

An act for the benefit of school district No. 46, in Mercer county;

An act for the benefit of the Falmouth and Claysville Turnpike Road, in Pendleton county;

An act to empower the court of claims of Shelby county to levy an additional ad valorem tax;

An act to repeal an act, entitled "An act to establish an institution of learning in the town of Hardinsville, in Shelby county;"

An act to authorize the sale and conveyance of the property of the Kendrick Institute, in Wayne county;

An act to authorize the change of the State road at Cane creek bridge, between Milburn and Columbus;

An act to incorporate the Augusta and Mount Olivet Turnpike Road Company, in Bracken and Robertson counties;

An act to fix the time of holding the Garrard circuit court;

An act to amend the act incorporating the Cabin Creek Turnpike Road Company;

An act to amend the charter of the Winchester and Muddy Creek Turnpike Road Company;

An act for the benefit of school district No. 34, in Garrard county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

TUESDAY, APRIL 1, 1873.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act incorporating the Cincinnati, Covington, and Cumberland Gap Railroad Company, approved March 11th, 1867.

An act to incorporate the St. Bernard Transportation Company.

That they had disagreed to the passage of bills, which originated in the Senate, of the following titles, viz:

An act to establish an assessor's agent for the further regulation and assessment of property in the city of Louisville.

An act to repeal all laws heretofore enacted adopting John Elrod as heir-at-law of H. B. Elrod and Jane Elrod, of Warren county.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to change the name of the Trayser Piano-forte Company, of Maysville.

An act to amend the charter of the Paducah, Benton, and Murray Gravel Road Company.

An act for the relief of the sheriff of Trigg county.

An act to prohibit the sale of spirituous, vinous, or malt liquors within two miles of Mercer Station, in Muhlenburg county.

An act for the benefit of R. L. Ewell, clerk of the Laurel county court.

With an amendment as a substitute for the last named bill.

Which was referred to the Committee on Courts of Justice.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to amend an act, entitled "An act to prohibit the sale of intoxicating liquors in the town of Claysville."

2. An act to define and enlarge the boundaries of the town of Ashland.

3. An act to amend an act, entitled "An act to incorporate the Vanceburg, Quick's Run, and Concord Turnpike Road Company," approved December 17th, 1867.

4. An act amending an act, entitled "An act to incorporate the Vanceburg, Quincy, and Springville Turnpike Road Company," approved February 18th, 1869.

5. An act to amend the charter of the South Kentucky Fair Ground Association.

6. An act to incorporate the American Industrial College.

7. An act to compensate assessors for making an enumeration of the qualified voters of the State.

8. An act to prohibit partnerships to practice law between circuit, chancery, and criminal court clerks.

9. An act to incorporate the United Colored Baptist Church, of Lancaster.

10. An act to amend the charter of the Webster Coal Company, approved March 9th, 1867, and amendment thereto, approved March 20th, 1871.

11. An act to amend an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof," approved February 28th, 1872.

12. An act to amend an act, entitled "An act to amend the charter of the Big Sandy Valley Railroad Company."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 9th, and 11th to the Committee on Religion and Morals; the 2d to the Committee on the Judiciary; the 3d and 4th to the Committee on Internal Improvement; the 5th, 6th, and 10th to the Committee on Agriculture and Manufactures; the 7th to the Committee on Finance; the 8th to the Committee on Courts of Justice, and the 12th was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Boyd presented the remonstrance of sundry citizens of Rockcastle county, against the passage of an act amending the prohibitory liquor law of said county.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

State of Kentucky, Executive Department,
Frankfort, April 1, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

M. D. C. Smith, Jefferson county.
Rowan Buchanan, Jefferson county.
Wm. Johnson, Nelson county.
James M. Diol, for Kenton and Campbell counties.
George H. McKinney, Lincoln county.
Charles Eaves, Henderson county.
J. R. Dodge, Kenton county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The following message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State, viz:

State of Kentucky, Executive Department,
Frankfort, March 31, 1873.

Gentlemen of the Senate and House of Representatives:

In compliance with the terms of a resolution which was adopted by your honorable body, and approved 18th day of January, 1873, providing for appointment of Commissioners to the National Prison Reform Congress, I appointed Hon. K. F. Prichard, John Thompson Gray, Esq., and Rev. John F. South, who visited and attended said Congress at the city of Baltimore; and I have the honor now to lay before you the joint report of said Prichard and Gray, and the separate report of said South, made to me upon their return.

Respectfully,

P. H. LESLIE.

Ordered, That two thousand copies of the report of the committee appointed to attend the Baltimore Prison Reform Congress be printed, and that the same be referred to the Committee on Penitentiary and House of Reform.

[*For Report—see Legislative Document No.* 21.]

A message in writing was also received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

State of Kentucky, Executive Department,
Frankfort, March 27, 1873.

Gentlemen of the Senate and House of Representatives:

I herewith respectfully lay before you a communication from His Excellency, John McEnery, Governor of Louisiana, inclosing an address to the people of that State and of the Union, issued by authority of a joint resolution of the General Assembly of Louisiana, and invite your serious consideration of the allegations which it presents.

The bitter strife which characterized the contest which succeeded the late Gubernatorial election in Louisiana, and the calamities which ensued, have for months painfully occupied the attention of the whole country, and need no recital here. The domestic troubles of our sister State may excite interest and sympathy in us, but they are beyond the pale of our censure or advice. Whatever of alleged wrong and fraud may have attended this strife of parties, it is not for us to inquire into. Such evils a State, which is of right sovereign and independent, must deal with for itself.

But the struggle in which Louisiana appeals to us now, is no mere conflict of intestine factions. Her agony is a political crisis of the nation. The constitutional liberty, the independence of every State, is involved in the issue. To-day a species of pro-consular Government has superseded the elect of the people in that State—a Government created by the interlocutory decree of a United States District Judge, and which would not live a day but for the support of Federal authority maintained by Federal bayonets. A Federal District Judge usurping authority in matters purely political, over which he had not the least jurisdiction, has presumed upon the allegations of a bill in chancery to restrain and set aside the legally appointed board of returning officers for the State of Louisiana, and recognize others, without authority of law, in their stead; and to set aside in like manner the legally elected Governor and other State officers and members of the General Assembly, recognizing in their place defeated candidates whom the illegal board had declared elected upon the pretended evidence of fraudulent and fictitious returns.

He furthermore enjoined and restrained the proprietors of the New Orleans Republican, the official journal of the State of Louisiana, from publishing any official notice or statement of the canvass of votes emanating from the lawful Governor of the State or the board of returning officers. To complete his work of usurpation, this satrap judge issued from his private residence an order—not the mandate of a judge in court, but a vice-royal decree, of which the Committee of the United States Senate on Privileges and Elections says: "Out of court, at his house, "late at night, December 5, without application by any party, he made "the following order, which is without parallel, and, it is hoped, will re- "main so in judicial proceedings." By this order he commanded the marshal, with a detachment of Federal troops, acting as a *posse comitatus*, to seize upon the building used as a State-house, with instructions to exclude the legislators elected by the people, and admit only those per-

sons whose names were on the lists furnished by the pretended Secretary of State. Of these a General Assembly was organized, who immediately proceeded to impeach and suspend from office the lawful Governor of the State, and installing their partisan, the Lieutenant Governor, in his place.

Of the order which authorized these extraordinary proceedings the report of the Committee of the United States Senate says: "It is impos- "sible to conceive of a more irregular, illegal, and, in every way, inex- "cusable act on the part of a judge. Conceding the *power* of the court "to make such an order, the judge *out of court* had no more authority "to make it than had the marshal. It has not even the form of judicial "process. It was not sealed, nor was it signed by the clerk, and had no "more legal effect than an order issued by any private citizen."

And in reference to a bill in equity, under which writs of injunction were granted restraining the lawfully elected members and officers of the Legislature from assisting in the organization of the General Assembly, the report of said committee declares:

"Indeed, it is impossible not to see that this bill was filed, and the re- "straining order thereon was issued, for the sole purpose of accomplish- "ing what no Federal court has the jurisdiction to do—the organization "of a State Legislature. And your committee cannot refrain from ex- "pressing their astonishment that any Judge of the United States should "thus unwarrantably have interfered with a State Government, and know "no language too strong to express their condemnation of such a pro- "ceeding."

Unfortunately for the cause of constitutional liberty, public peace and justice, the Federal Executive, under a mistaken sense of duty, instead of rebuking this presumptious order of a District Judge, determined to enforce it, and the usurping Government is sustained to-day under his authority by the military power of the United States.

The most reprehensible and ominous feature, perhaps, of the whole transaction, is found in the fact that the unlawful and unconstitutional acts of both the District Judge and the Federal Executive are sought to be justified, not on the ground of right, but of expediency. The District Judge, for instance, admits the validity of the lawfully appointed returning board, but supersedes it for fear its recognition might be productive of evil. The President must have been, ere this, fully convinced that the Government which was created and is still maintained in Louisiana by the authority and military power of the United States is not in anywise the lawfully elected Government of that State; and yet he continues to recognize and support it as the *de facto* Government, forgetting that it is such only by the intervention of his authority and the army of the United States; for all concede that, but for the illegal interference of the United States authorities, civil and military, the lawfully elected Government would have been peaceably inaugurated as the Government both *de facto* and *de jure*, and as such, submitted to by the people.

Upon what plea can any authority be justified in taking advantage of its own wrong, or can derive a legal right from its own violation of law? The proposition which claims a right in such a case to recognize a *de*

facto Government, when fairly interpreted, amounts plainly and simply to this: That a President of the United States may, in the interests of party, if so inclined, through the agency of the Federal Court, supported by Federal troops, directly or indirectly crush out the Government elected by the people, and installing the defeated candidates of his party, recognize them, in defiance of Constitution and laws, as a Government *de facto*, denouncing and treating all recusants as rebels.

For such procedure the Congressional legislation to enforce the Fifteenth Amendment to the Constitution will always furnish in the Southern States abundant occasion and pretext. I do not impute to the President such sinister purpose in the present instance; and yet by whatever motives he may have been actuated, the disastrous result has attended his policy, and to-day unhappy Louisiana is more a pro-consular Province than a sovereign and independent State of our Federal Union. By the intervention of Federal authority, under the pretext of enforcing the Fifteenth Amendment, the Government of her choice has been set aside, and the candidates of a defeated political party made to bear rule over her. We learn, therefore, without surprise, that within her borders "business is paralyzed, commerce frightened away, trade "stopped, credit destroyed, confidence lost, and withal taxes increased."

No plea can excuse such an outrage upon the constitutional rights of a State. The control of her own elections, untrammeled by any interference from without, is essential to self-government, and is guaranteed to her by the Federal Constitution and laws. It is true that, by the act of Congress of May 31, 1870, candidates for certain offices, if defeated by a denial of the right of suffrage to the black man, and the sole question of title to such offices arises out of such denial, may bring the case before a Circuit or District Court of the United States, which shall have, concurrently with the State Courts, jurisdiction thereof, "so far as to "determine the rights of the parties to such office by reason of the "denial of the right guaranteed by the Fifteenth Article of Amendment "to the Constitution of the United States."

This law was enacted simply to secure to the colored man his right of suffrage; and from its operation candidates for seats in a State Legislature are specially excepted. But such provision of law, whilst it may serve as a pretext, cannot be plead to authorize such a subversion of State Government as we are considering. Could it be so used, self-government in the States would be at an end. If, as is conceded, the setting up of the usurping government in Louisiana was a wrong, it is a wrong still, and every day of its continuance is an aggravated wrong. That the Governor and Legislature who have been thus wrongfully superseded should still assert their claim to offices to which they believe they have been fairly elected by the people, and firmly maintain their protest against the Federal interference which has forbidden them the exercise of their rights, is a duty to their State and to the cause of republican liberty which they cannot honorably avoid, and in the discharge of which I feel they are entitled to our largest sympathy and moral support. Besides, their cause is our cause; for their danger is our danger. The bitter cup of which they drink to-day may be soon commended to our own lips. For the President of the United States, in his last

annual message, has declared, in full view of this case, that "No Executive control is exercised in any one of the Southern States that would not be exercised in any of the States under like circumstances."

We must recollect that the present status of Louisiana is quite different from that of the seceding States after the late civil war. Then the extraordinary and unconstitutional measures adopted in the reconstruction of those States—measures acknowledged to be above and beside the Constitution—were with some plausibility justified by their advocates on the grounds that, being a case, from the very nature of the federal compact not provided for in the Constitution, the victors had the right to dictate terms to the vanquished; and much exceptional legislation was excused by the maxim that "the public safety is the highest law." In fact, the unsuccessful attempt at secession by the Southern States wrought a political revolution in the entire nation, the inevitable results of which were of necessity accepted. But to-day, as when this act of usurpation was laid upon her, Louisiana is a reconstructed State, fully entitled to all the rights guaranteed by the Constitution to the sovereign and independent States of the Federal Union; and when any of those rights are invaded in her, they are potentially and virtually invaded in all. To abandon her is to abandon the common cause of State rights, the preservation of which is the only bond which can perpetuate our cherished Federal Union.

If the great wrong which has been perpetrated against her shall pass unchallenged and unredressed now, it may serve as a precedent to render resistance to similar encroachments more difficult in the future. The rolling stone which a child's hand may easily arrest in its first career, often becomes a resistless, crushing avalanche, that no obstacle can check. Surely if an earnest appeal be made to the Congress of the United States, there will be found in our national councils statesmen enough patriotic, just and wise of heart, to rectify the wrong which has been committed, and restore to our sister State the rights and benefits of self-government.

I therefore recommend that a respectful but earnest and solemn protest against the unwarrantable intervention of Federal authority in the State of Louisiana, to which your attention has been called, be prepared and uttered by the General Assembly of the State of Kentucky in a suitable form, to be laid before the Congress of the United States, and that our Senators be instructed, and our members in the House of Representatives be requested, to give all proper aid in supporting the appeal proposed to be made by the people of Louisiana for a redress of their grievances.

P. H. LESLIE.

LETTER FROM GOVERNOR OF LOUISIANA.

EXECUTIVE CHAMBERS, NEW ORLEANS, March 13th, 1873.

To His Excellency PRESTON H. LESLIE, *Governor of Kentucky:*

DEAR SIR: I have the honor herewith to inclose to you an address to the people of Louisiana and of the Union, issued by authority of a joint resolution of the General Assembly. Permit me to ask your serious attention to its allegations, and also to request that you lay it officially before the Legislature of your great State.

The people of this State, without distinction of past sectional feeling, present party differences, or of birth, race or color, feel that an issue has been made in our case by the illegal and monstrous usurpations of certain officials, which, if suffered to be decided against us, either by the non-action or adverse action of Congress, involves most certainly and gravely the liberties and the rights of every other State.

The President has said, in his message: "*No Executive control is exercised in any one of them* (the Southern States) *that would not be exercised in any of the States under like circumstances.*"

What has been the action referred to?

A United States District Judge, sitting on the bench o the Circuit Court, has seized a State Capitol, by the use of the United States army, created a Legislature by an interlocutory order of the nature of an injunction, and installed that Legislature in power by admitting them into the Capitol, past the guard of United States Marshals, whose orders were obeyed by those troops, and excluding all others claiming seats, until that Legislature had been seated and sworn. Senator Carpenter characterizes this action thus:

"I do not want to go before the people of Wisconsin with the testimony of these Louisiana Republicans themselves, admitting their frauds, in setting up this Kellogg Government, and with our votes here sustaining this acknowledged fraud and usurpation finally executed and accomplished by the military force of the Government of the United States."

The majority of the Senate committee say of it this:

"The testimony does not show that voters were disfranchised in many instances on account of race, color, or previous condition of servitude, and therefore the law of the General Government was not violated sufficiently to authorize the interference of Durrell. The injunction placed by the Eighth District Court of the State upon the counting of the returns by the 'Lynch board' was legal, and should have been respected.

"The whole interference by the United States Court, in the organization of the Legislature, is a gross usurpation. The Constitution expressly gives to each State the organization of its own Legislature. A member has no right to contest for his seat before a court of the United States.

"It is therefore evident that such a court has no authority to seat a hundred members at the instance of the Lieutenant Governor. In this connection it becomes the painful duty of the committee to express their opinion of the action of Judge Durrell. A proceeding so manifestly illegal has never come before Congress for its consideration in connection with a court of the United States, and the committee fail to find words with which to express their abhorrence of the action of Durrell."

Senator Schurz speaks of it as follows:

"A Federal Judge is applied to for interference. Overstepping his jurisdiction, he does interfere; he restrains all other returning officers but those recognized and designated by him, from returning the vote. By an act of usurpation still more palpable and flagrant, he orders that the State House be taken possession of by troops; he virtually orders who shall be members of the Legislature—nay, I think it is not an inexcusable exaggeration when I say he virtually *makes* or *creates that Legislature.* In executing these gross and flagrant usurpations, he is supported by the military force of the Federal Government. The usurpation is consummated under the protection of Federal bayonets. The Legislature, so created by the interference of the Federal Court, convenes. * * * Thus the usurpation is consummated—a usurpation without the shadow of law as an excuse, with nothing but fraud and force to stand upon—a usurpation palpable, gross, shameless, and utterly subversive of all principles of Republican Government—a usurpation such as this country has never seen, and probably no citizen of the United States has ever dreamed of. The offspring of this Legislature is the Kellogg Government."

And even Senator Morton cannot avoid, in his extreme partisanship, showing his honest opinion of its villainy in these words: "The conduct of Judge Durrell, sitting in the Circuit Court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim." * * * * In the Antoine case Judge Durrell not only assumed to determine who constituted the legal returning board, but to prescribe who should be permitted to take part in the organization of the Legislature, *and to* enjoin all persons from taking part in the organization *who were not returned by the Lynch board as elected*, and this assumption of jurisdiction was made in the face of the express provisions in the act of 1870, that its benefits should not extend to candidates for electors, for Congress, or for members of the State Legislature.

"His order, issued in the Kellogg case to the United States Marshal, to take possession of the State House for the purpose of preventing unlawful assemblages, under which the Marshal called to his aid a portion of the army of the United States as a *posse comitatus*, can only be characterized as a gross usurpation."

Upon these facts our citizens, in one of the largest mass meetings ever held in New Orleans, appointed a committee of two hundred, of the most worthy and respected people of the city,

to wait upon the President and request the withdrawal of Federal interference. In reply to the notice of their coming, Attorney General Williams sent me the following dispatch, which I quote without comment:

WASHINGTON, D. C., Dec. 13.

Your visit with a hundred citizens will be unavailing SO FAR AS THE PRESIDENT IS CONCERNED. His decision is MADE, and WILL NOT BE CHANGED, and the sooner it is acquiesced in the sooner good order and peace will be restored.

(Signed) GEO. H. WILLIAMS, *Attorney General.*

In the extremity of our distress, business being paralyzed, commerce frightened away, trade stopped, credit destroyed, confidence lost, and withal taxes increased, we appeal to our brethren of sister States to consider our situation. We feel that what is our sad lot to-day may be theirs some other day through the same means, and that therefore they should, and doubtless will, feel interested in seeing that their Senators and Representatives in Congress take steps to right those wrongs. Our only hope is in the interposition of the States of the Union through Congress.

Because if we seek to right ourselves, our enemies will revive against us the unhappy cries of the late civil war, and falsely represent us as seeking to re-open its dead issues. As to this question, we point to the record of the last political canvass in this State to demonstrate to you what is the truth, that our people have honestly and squarely accepted all the results of the war; the measures of reconstruction; the enfranchisement, suffraganship, and right to hold office, of the colored people, and all the constitutional amendments. In the last canvass the People's or Fusion ticket had upon it Republicans and Democrats, white and colored, Southern and Northern men, Federal and Confederate soldiers. In our platform we ignored all past differences. We sought solely to obtain a Government of the whole people, that should be representative, economical, and just. This Government we obtained by the honest votes of the people at the late election. It has been wrested from us by this grave usurpation. I cannot describe to you the gloom and despair of our people. We feel that unless their cause is made a common one by the people of the other States, elections, so far as we are concerned, are a mockery, and free government ended.

Hoping that this appeal may receive your mature and deliberate attention, and will be by you made known to the people of your State, and that it may enure to the benefit of free and just government throughout the Union, and earnestly inviting you to join in the appeal now being made by the people of this State to the President for an extra session of Congress, in order that necessary and legal measures may be inaugurated by that honorable body which will give to the people of Louisiana a just, free, and republican government,

I remain, sir, with great consideration,

Your obedient servant,

JOHN McENERY,

Governor of Louisiana.

ADDRESS

To the People of Louisiana by the Governor and Legislature, in Pursuance of a Resolution of the Legislature.

The undersigned were appointed by a resolution of the General Assembly of the State to address their fellow-citizens in reference to the contest, growing out of the election of the 4th November last, with a view of vindicating the course they have thought proper to pursue, and of indicating that which they recommend for the consideration and adoption of their constituents in the present grave emergency of our State.

It is a source of consolation and confidence to us, in the discharge of this duty, that in our past conduct, as your servants, we are able to present the full indorsement of the highest political authority which could be invoked or desired on the question at issue, to-wit: that of the most prominent representatives of the political party opposed to us in that august tribunal, the United States Senate. A committee of that body, composed exclusively of Senators who supported the reconstruction and enforcement acts of Congress, which have been set up as the basis and pretext for the violent reversal of the legally expressed will of the people in our last election, and the installation of a usurping minority in our State Government, has, after a full investigation of the law and facts, arrived at the following conclusions:

1. That the action of a United States Judge, in foisting into the Chief Executive office of the State a person who was legally returned as defeated by a majority of over six thousand votes,

and further by an illegal order directing the occupation of the building leased for a State House, and through armed force and menace of United States troops, installing as members of the General Assembly of Louisiana, persons who were never elected by the people, and had no other title to such places but that conferred by the allegations of a bill in chancery, and excluding the lawfully returned and elected members, is unanimously and emphatically condemned as an act of judicial usurpation, abuse, and outrage.

2. It is shown by the same committee that the lawful and regular returns of the votes of the people were set aside by a corrupt, dishonest, and partisan Board of Canvassers, who substituted for the real and proper evidence of such votes and election, *ex parte* affidavits, census estimates, newspaper reports, and other equally inadmissible data.

3. It is conceded by the same committee, that no *de jure* or lawful government can be created by such modes of canvassing, or making up the election returns, and that no court or other tribunal can impart any legality to a tenure to office thus obtained.

4. It is with like unanimity admitted by the same high authority that the State officers, who had the regular and lawful returns, were entitled to enter upon their offices, and that those who contested their rights on charges of fraud and violence, should be remitted to the tribunals which had jurisdiction of such controversies, and that in this case this uniform practice and law were reversed, and the *prima facie* right accorded to those who merely alleged or claimed their election against those who had the legal and proper returns.

These several propositions being concurred in by all of the committee of the United States Senate, a majority thereof declared that the Government of Kellogg and his party over this State was a gross and flagrant usurpation.

These conclusions of a committee of the highest political authority in the nation have fully confirmed and justified the course pursued by the executive and legislative officials who were returned as the elect of the people of Louisiana, and who proceeded duly to organize the government of the State. To have done otherwise would have been an abandonment of a plain duty, and a surrender of the rights of the people who had elected them.

The Government thus organized has been confronted by another, resting entirely upon the outrageous judicial orders of a United States Judge, and upon an illegal and purely fictitious and fraudulent return of the votes of the people. Unhappily for the honor of the Republic and the cause of right, justice, and law, the President of the United States deemed it his duty to extend to this fictitious and fraudulent Government the protection of the United States army. This was done at first under a grossly erroneous view of his duty as the Chief Executive of the Nation, to enforce an order of a United States Court, whether legal and constitutional or not, even though that order was a palpable excess and abuse of jurisdiction and authority.

It is still more to be lamented that this support and protection of a usurping State Government has been continued by the President in the exercise of his political power, when he could no longer defend his course by a concession to a United States Judge, of the authority to decide such questions, and after a full investigation and exposure, by a proper tribunal, of the illegal, fraudulent, and usurping character of that Government. The position of the President, supported by the opinion of a single member of the committee of the United States Senate, was based on the assumption that there existed a *de facto* Government in Louisiana, separate and apart from, and opposed to the *de jure* Government, and that he was bound to recognize the *de facto* authority.

Totally dissenting from this view, that there can be any legal Government in a State entitled to recognition by the Federal authority which is not *de jure*, as well as *de facto*, we have further to record the mortifying fact, as declared by the report of the committee of the United States Senate, that such Government is maintained, and its authority enforced, by the aid of the military power of the United States. It has even been intimated that the Government *de jure* does not command the support and approval of the people of the State, because that Government is unwilling to defy and unable to overcome the power of the United States. Because of this unwillingness and inability the stupendous falsehood is proclaimed that the people of Louisiana voluntarily submit to, and acquiesce in, this usurpation. If we resist the Executive of the United States, which, with arms, defends this usurpation, we are rebels; if we do not resist it, we submit to and acknowledge its, authority and power. We do not believe that the founders of this Government, or the friends of republican institutions and of liberty, in any part of the world, have ever sanctioned such a doctrine and proposition. We believe that the Federal Government, represented by Congress and the President, are under a sacred constitutional obligation to protect and defend the people of the State in the enjoyment of their republican right of selecting their own political agents, and that this right is utterly disregarded and trampled on by the course pursued in our case.

In so clear a path of duty and manhood, we have deemed it imperative to assert this right, guaranteed by the Federal Constitution, and to endeavor to perform the functions and exercise the powers confided to us by the people. We are prevented and hindered therein by what we regard the wrongful and unconstitutional intervention of the Federal Executive. Such intervention being so regarded by us, we cannot if we would, and we would not if we could, cease

our protest and opposition thereto. We appeal to our brethren in the other States for their sympathy and support of a position which they are all interested in maintaining, thus vindicating a cardinal principle of our political system. We have no other hope or means of defense against the wrongs done us. We can only assert our rights, refuse submission to usurpation, and abide the judgment of the American people in our case. Meantime, it behooves the people of Louisiana to preserve their manhood, their dignity, and their patience. Suffering under the greatest indignities which can be perpetrated upon a free people, they are threatened with the prolongation of a reign of corruption, spoliation, and oppression for four years longer.

We have no other recourse against such calamity, and no means of re-establishing our rights as a people and our status as a republican State, but by a firm and unyielding adherence to the lawful Government of the State. We therefore urge our fellow-citizens to give us their zealous support and encouragement in our endeavors to support and put in operation this Government, not by violent resistance to the authority of the United States, but by a firm and united opposition to any and every act of the usurping Government of Kellogg and his confederates.

In view of the great disasters of our State, resulting from political troubles, we have been disposed to make large concessions and compromises to secure peace and good government to Louisiana; but all propositions of that character have been haughtily rejected by the usurpers. Emboldened by the countenance and support extended to them by the Federal Executive, nothing, then, is left to the free and honest citizens of this State who elected us and our associates, but to rally with renewed earnestness and devotion to the defense and support of the *de jure* and lawful government. With their approval and support, we have an abiding confidence in the eventual triumph of our cause, and the recognition by a just and honest national administration of the equal rights of Louisiana, as one of the glorious Union of this great Republic and Confederacy.

Dishonor, the reproach of the people, and self-abasement must attach to all who, having once assumed the position so clearly pointed out as that of duty and manhood, shall abandon the same, or shrink from any of its responsibilities and obligations.

JOHN McENERY,
Governor of the State of Louisiana.
HUGH J. CAMPBELL,
B. F. JONAS,
Committee on the part of the Senate.
H. F. VICKERS,
LEWIS TEXADA,
FERGUS FUSILIER,
J. H. McCALEB,
Committee on the part of the House of Representatives.

Ordered, That said message be printed and referred to a select committee, consisting of Messrs. Whitaker, Pope, Boyd, Holt, Martin, and Wm. Johnson.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill to amend an act, entitled "An act to authorize the county clerk of Cumberland county to procure books and indexes for the purpose of transcribing the mutilated records of the surveyor's office of said county, and also to amend an act transcribing the surveyor's books and records of Cumberland county."

By Mr. Hargis, from the Committee on the Judiciary—

A bill to authorize Mary Boyd to erect cattle-stops across John's creek, in Pike county.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

A bill to change the time of holding the county and quarterly courts of Lee county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Whitaker, from the Committee on Banks and Insurance—

An act to incorporate the Exchange Bank of Sharpsburg.

By Mr. Martin, from the Committee on Education—

An act for the benefit of common school districts Nos. 70 and 73, in Warren county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act to repeal an act, entitled "An act to amend an act, entitled 'An act to charter the Crab Orchard and Crew's Knob Turnpike Company,'" approved March 20th, 1872.

By Mr. Hargis, from the Committee on the Judiciary—

An act affixing penalties and forfeitures upon corporations and persons exercising corporate powers that are required to give bonds, and have failed to do so.

The last of which was ordered to be printed, and made the special order of the day for Thursday next, the 3d inst., and the others were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hale moved to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of Wm. Crook's heirs.

Which motion was adopted.

Ordered, That said bill be committed to the Committee on Courts of Justice.

Mr. Vories withdrew the motion heretofore made by him to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to prevent the destruction of fish in the Kentucky river and its tributaries," approved March 13th, 1872.

On motion, Mr. Hyatt was added to the Committee on Penitentiary and House of Reform.

The Speaker laid before the Senate the response of the Register of the Land Office to a resolution adopted by the Senate, calling on him for certain information.

Said response reads as follows, viz:

STATE OF KENTUCKY, LAND OFFICE,
FRANKFORT, March 31st, 1873.

To the Hon. Wm. Johnson, Speaker of the Senate:

In response to a resolution of your honorable body, adopted March 27th, 1873, I herewith transmit the following information, viz:

Number of patents issued for 1870 (from No. 42,655 to 44,999)		2,345
Number of patents issued for 1871 (from No. 45,000 to 46,722)		1,723
Number of patents issued for 1872 (from No. 46,723 to 47,670)	948	
Not registered	473	
		1,421

Very respectfully yours,

J. ALEXANDER GRANT,
Register Land Office.

STATE OF KENTUCKY,
OFFICE AUDITOR PUBLIC ACCOUNTS,
FRANKFORT, March 31st, 1873.

J. A. Dawson, as Register Land Office, reports—

Taxes from 1st January, 1870, to 5th September, 1871, the sum of	$215 25
Commission off	10 76
Net	$204 49

J. A. Grant, Register Land Office, reports—

Taxes from 5th September, 1871, to 1st January, 1873	$160 00
Commission off	8 00
Net	$152 00

Attest: D. HOWARD SMITH, *Auditor.*

Ordered, That one hundred and fifty copies of said response be printed for the use of the General Assembly.

On motion of Mr. Duvall, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Benevolent Society of Colored People of Millville, in Woodford county.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Duvall then moved to reconsider the vote by which the Senate had disagreed to the passage of said bill.

Which motion was adopted.

Ordered, That said bill be recommitted to the Committee on Revised Statutes and Codes of Practice.

On motion of Mr. Haggard, a message was sent to the House of Representatives, asking leave to withdraw their announcement of the passage of a bill, which originated in the House of Representatives, entitled

An act to amend the charter of the Newport and Dayton Street Railway Company.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Haggard then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was adopted.

Ordered, That said bill be recommitted to the Committee on Railroads.

A message was received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act to amend and reduce into one the several acts incorporating the town of Brooksville, in Bracken county."

An act for the benefit of R. F. Scott, sheriff of Garrard county.

An act to amend the charter of the Elizabethtown and Paducah Railroad Company.

An act for the benefit of the Falmouth and Claysville Turnpike Road, in Pendleton county.

An act to incorporate the Augusta and Mount Olivet Turnpike Road Company, in Bracken and Robertson counties.

An act to incorporate the Prestonsburg Academy and Normal School Joint Stock Company.

An act to amend the act incorporating the Cabin Creek Turnpike Road Company.

An act to incorporate the St. Patrick's Benevolent Society, of Paris.

An act for the benefit of school district No. 34, in Garrard county.

An act for the benefit of Barney Sisk, jailer of Hopkins county.

An act to amend the charter of the Winchester and Muddy Creek Turnpike Road Company.

An act for the benefit of George Sublett, of Elliott county.

An act to authorize the change of the State road at Cane creek bridge, between Milburn and Columbus.

An act for the benefit of James Ficklin, sheriff of Montgomery county.

An act for the benefit of Arnold L. Hardy.

An act for the benefit of Wm. Chamberland, of Russell county.

An act to authorize the voters of the town of Clinton to vote upon proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of the same.

An act to repeal an act, entitled "An act to establish an institution of learning in the town of Hardinsville, in Shelby county."

An act to authorize the sale and conveyance of the property of the Kendrick Institute, in Wayne county.

An act to incorporate the Muhlenburg Mining Company.

An act in relation to the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company.

An act to empower the court of claims of Shelby county to levy an additional ad valorem tax.

An act for the benefit of school district No. 46, in Mercer county.

An act for the benefit of James P. Bailey, late sheriff of Lincoln county.

An act for the benefit of Peter Perry, committee of John Perry, a pauper idiot (of color), of Hart county.

An act for the benefit of Leonidas H. Voshell, of Boone county.

An act for the benefit of Johnson V. Oakley, of Morgan county.

An act for the benefit of John Scott, of Pike county.

An act for the benefit of John L. Slavin, former sheriff of Garrard county.

An act for the benefit of common schools in Kenton county.

An act for the benefit of the Auditor of Public Accounts.

An act to amend an act, entitled "An act fixing the time of holding the terms of the circuit courts in the tenth judicial district."

An act for the benefit of the Glasgow Railroad.

An act to organize Urania school district, in Barren county.

An act to incorporate the Alexandria Cemetery Company, in Campbell county.

An act to incorporate the Evansville and Henderson Railroad Packet Company.

An act amending an act incorporating the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company.

An act to incorporate the Paris Harmonic Society, of Paris.

An act to authorize the school commissioner of Campbell county to redistrict the school districts of said county, and to repeal an act, entitled "An act to provide for the redistricting the school districts of Campbell county," approved March 5th, 1872.

An act to exempt certain persons in Fayette and Scott counties from work on public roads.

An act to amend an act, entitled "An act to charter the Owensboro and Russellville Railroad Company."

An act to incorporate Brothers' Lodge, No. 132, Independent Order of Odd Fellows, of Owensboro.

An act to amend the charter of the Nicholasville and Kentucky River Turnpike Road Company.

An act to amend an act, entitled "An act to incorporate the Little Benson and Lane's Mill Turnpike Road Company," approved March 20th, 1871.

An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

An act for the benefit of John W. Duncan, sheriff of Wayne county.

An act for the benefit of Wilson Morgan, late sheriff of Clay county.

An act for the benefit of John A. Lafferty, late sheriff of Harrison county.

An act to incorporate the Fox Creek and Washington County Turnpike Road Company.

An act to incorporate Daniel Boone Lodge, No. 2, Knights of Pythias, in the city of Louisville.

An act to amend chapter 47 of the Revised Statutes, entitled "Husband and Wife."

An act to authorize the Anderson county court to issue bonds and levy a tax for the relief of certain citizens of Lawrenceburg.

An act to incorporate the Baptist Church at Elkton, Todd county.

An act to amend an act, entitled "An act to incorporate the Rebeckah Benevolent Society, of Covington."

An act to incorporate the St. Augustine Cemetery, near Lebanon.

An act for the benefit of George P. Gillem, sheriff of Logan county.

An act for the benefit of J. C. Calhoun, late sheriff of McCracken county.

An act to incorporate the Lebanon and Pope's Creek Turnpike Road Company.

An act to amend an act to incorporate the Bourbon Female College, approved March 14th, 1872.

An act to amend an act to incorporate the Highland Racing Park Association.

An act to authorize the county court of Bourbon county to pay Geo. M. Hibler, circuit clerk of said county, for continuing index and cross-index of suits in said court.

An act to repeal an act, entitled "An act for the benefit of Levi Kash, judge of the Wolfe county and quarterly courts," approved March 6th, 1868.

An act for the benefit of Rockcastle county.

An act for the benefit of school district No. 45, in Ballard county.

An act for the benefit of Wm. H. Fitzpatrick, sheriff of Floyd county for the years 1871 and 1872.

An act to provide for the erection of school buildings in common school district No. 1, in the town of Hawesville.

An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county.

An act chartering the Young Men's Savings Association of New Liberty, Owen county.

An act to prohibit the sale of spirituous liquors or intoxicating beverages in Greenup county.

An act to establish a common school for the benefit of the colored people of Catlettsburg and vicinity.

An act to amend the charter of the town of Frenchburg, in Menifee county.

An act to amend the charter of the town of Marion, in Crittenden county.

An act in relation to the punishment of persons aiding in the escape of inmates from the Louisville House of Refuge.

An act to incorporate Phantom Lodge, No. 15, of the Knights of Pythias.

Leave was given to bring in the following bills, viz:

On motion of Mr. Connor—

1. A bill to provide for the collection of railroad tax in Montgomery county.

On motion of Mr. Frazer—

2. A bill to amend an act, entitled "An act for the benefit of Browder Institute, in Logan county," approved March 18th, 1870.

On motion of Mr. Hale—

3. A bill to authorize the city of Mayfield to subscribe and pay for stock in the Cairo and Tennessee River Railroad Company.

On motion of Mr. Vories—

4. A bill to incorporate the Woolen Manufacturing Company.

On motion of Mr. Hargis—

5. A bill to incorporate Confederate City, on Licking river, in the county of Rowan.

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st, 3d, and 4th; the Committee on Propositions and Grievances the 2d, and the Committee on the Judiciary the 5th.

A message was received from the House of Representatives, announcing their concurrence in the adoption of a resolution, which originated in the Senate, entitled

Resolution in relation to the enrolling of the chapters of the Revised Statutes when acted upon by the two Houses.

A message was received from the House of Representatives, announcing that they had adopted a resolution, entitled

Resolution in relation to the enrolling of the chapters of the Revised Statutes when acted upon by the two Houses.

Which was taken up, twice read, and concurred in.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee, consisting of three members of the House and two members of the Senate, be appointed, whose duty it shall be to

inquire into the cause of the delay in the enrollment of the chapters of the revision of the Statutes, and the presentation of the same to the Governor for his consideration; and it shall be the duty of the said committee to inquire into and report to the two Houses of this General Assembly who, if any one, is responsible for this delay, and what, if anything, is necessary to secure the prompt presentation of the said work to the Governor, together with any and all other bills passed, or that may be passed, by this General Assembly.

Whereupon Messrs. Martin and Whitaker were appointed the committee on the part of the Senate.

After a short time, Mr. Martin reported that no blame should be attached to any of the officers of either House for the delay referred to in the resolution, but that such delay was the result of a failure to authorize the enrolling committee to make report of the matter referred to, to the Governor.

Mr. Whitaker moved that a committee be appointed to withdraw from the Governor a bill, which originated in the Senate, entitled

An act to amend the charter of the city of Maysville.

Whereupon Messrs. Whitaker and Barlow were appointed said committee.

After a short time said bill was returned to the Senate.

The Senate took up for consideration a bill, entitled

A bill concerning the various charitable institutions in this Commonwealth.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the official term of all officers of the several charitable institutions, including the State House of Reform for Juvenile Delinquents, in this State, shall end on the first day of May, 1873, and the offices therein be vacated by the present incumbents; and, on the passage of this act, the Governor shall proceed to nominate, and, by and with the advice and consent of the Senate, appoint, some suitable and skillful persons to fill the same, subject to the limitations, restrictions, and qualifications hereinafter named,

§ 2. That said institutions, including the State House of Reform for Juvenile Delinquents, are hereby reorganized and re-established in the manner and words following, to-wit: hereafter the Lunatic Asylum now known and styled the Eastern Lunatic Asylum, shall be named and styled the First Kentucky Lunatic Asylum; and the Asylum now known and styled the Western Lunatic Asylum, shall be named and styled the Second Kentucky Lunatic Asylum; and the Institution now known and styled the Institution for the Education and Training of Feeble-minded Children, shall be named and styled the Third Kentucky Lunatic Asylum; and the Institution now known as the State House of Reform for Juvenile Delinquents, shall be named and styled as the Fourth Kentucky Lunatic Asylum; and the Asylum now known and styled the Kentucky Asylum at Danville for the Tuition of the Deaf and Dumb, shall be named and

styled the Kentucky Asylum for the Education of the Deaf and Dumb; and the Institution now named and styled the Kentucky Institution for the Education of the Blind, shall be named and styled the Kentucky Asylum for the Education of the Blind.

§ 3. It shall be the duty of the Governor, as soon as may be after the passage of this act, to nominate, and, by and with the advice and consent of the Senate, appoint, nine discreet business men as a Board of Commissioners for each and every of the Asylums named in and established by the second section of this act; and said Boards of Commissioners, and their successors in office, when they shall have been appointed, shall be, and they are hereby, separately and severally, constituted and appointed, and declared to be, a Board of Commissioners, and a body-politic and corporate, for the benefit of the State, by the name and style of the Board of Commissioners of the respective Asylums for which they may be appointed, and by such name and style shall have perpetual succession; and may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places whatsoever; may have and use a common seal, and the same may break, alter, or renew at pleasure; and shall have all other rights and privileges incident to corporations necessary to carry out the objects and purposes for which their respective Asylums are established.

§ 4. That the Board of Commissioners and their successors in office of each and every of said Asylums are hereby authorized and empowered to receive by gift, devise, or otherwise, lands, money, and other property, for the benefit of the State, in aid and furtherance of the objects and purposes of said Asylums, and the same to retain, use, and apply to the benefit of the respective Asylums.

§ 5. That all the funds and effects of each and every of said Asylums shall be under the management and control of its Board of Commissioners and their successors in office, as trustees for the State, in aid and furtherance of the objects of said Institution, subject to the rules and conditions herein specified; and as such they are hereby authorized and empowered, from and after the 30th day of April, 1873, to take possession of all buildings, books, papers, bonds, stocks, lands, improvements, and effects belonging to their respective Asylums, wherever they may be found, or in whatever they may consist, and to hold, retain, and so manage, use, and apply the same as may be best calculated, in their judgment, to build up and sustain the interests of their respective Asylums, and secure the objects for which they were established: *Provided, however*, That the Board of Commissioners, and their successors in office, of each and every of said Asylums, shall be governed, in every instance, by such restrictions as may accompany any grant of aid by the Legislature: *And provided further*, That whenever the Board of Commissioners, or their successors in office, of any of said Asylums, shall receive from private individuals any donation or grant for any specified purpose, the same shall be sacredly set apart and applied to the purpose so specified by the donor or grantor, and to no other—subject, however, to the control of the State over said Institution, its officers and affairs.

§ 6. That said Board of Commissioners, and their successors in office, of each and every of said Asylums, shall keep a true and complete record of all their proceedings and acts as a board, and cause to be kept by their secretary and treasurer a true and complete record of all moneys received and disbursed, from whence derived, and for what expended, of bonds receivable and bonds payable, and of all other accounts and proceedings incident to the management of said Asylums, all of which shall be open

and at any time subject to the inspection of any committee or commissioner appointed by the Legislature for the examination of the same; and it shall be the duty of the Board of Commissioners, for the time being, of each and every of said Asylums, to present to the Governor annually, and he to lay before the General Assembly within the first week of their session, a statement of their funds, and the receipts and expenditures, and condition of their respective Institutions, and of the names and number of the inmates received and cared for therein during the year immediately preceding, and the parts of the State from whence they came, distinguishing between those having been supported gratuitously and others.

§ 7. That the Board of Commissioners, and their successors in office, of each and every of said Asylums, separately and severally, shall have the power, and it is hereby vested in them, to appoint one of their own number president of their respective boards, and may also appoint a secretary, treasurer, and all other inferior officers, not otherwise provided for in this act, as they may deem necessary for the efficient and successful management of their respective institutions, and to remove any of them at pleasure, and fill their places with others; and to make such by-laws, and to adopt such rules and regulations, as they may deem necessary for the government and interests of their respective Asylums, not inconsistent, however, with the provisions of this act nor in violation of the Constitution and laws of this State: *Provided*, That the action of all of said Boards of Commissioners, and their successors in office, as to the various matters referred to in this section, shall be subject to the control of the General Assembly of this Commonwealth.

§ 8. That the Board of Commissioners of each and every of said Asylums, at their first meeting, which shall be held at their respective Asylums on the first day of May, 1873, shall divide, by lot, their respective Boards of Commissioners into three classes; three Commissioners shall be allotted to each class; and the seats of the first class shall be vacated at the expiration of two years; and those of the second class vacated at the expiration of four years; and those of the third class vacated at the expiration of six years from the date of their appointment; and whenever a vacancy shall occur in said Boards of Commissioners, as provided in this section, such vacancy shall be filled by the Governor, with the advice and consent of the Senate.

§ 9. It shall be unlawful for any of the aforesaid Boards of Commissioners, or their successors in office, to meet and transact business, unless a majority of the members of such board be present and concur in the proceedings; nor shall the proceedings then be binding and authoritative until they shall have been first approved and signed by the president, and countersigned by the secretary; and if any member or members of any of said Boards of Commissioners, or of their successors in office, should die, resign, refuse to act, or remove from the State, and a vacancy thereby shall occur in any of said boards, such vacancy or vacancies shall be filled as provided by section eight of this act; but no person shall be appointed as a member of any of said Boards of Commissioners who is not, at the time, a resident of the county in which the Asylum is located.

§ 10. That each Commissioner, and every other officer of said Asylums appointed under this act, shall, before entering upon the duties of his or her office, take an oath before some notary public, or other officer authorized to administer oaths, that he or she will well and truly discharge the duties of his or her trust.

§ 11. That hereafter the Governor, by and with the advice and consent of the Senate, shall appoint, for each of the Asylums hereinafter named,

the following named officers or agents, to-wit: For the First Kentucky Lunatic Asylum, a Medical Superintendent, a First and Second Assistant Physician, and a Steward; for the Second Kentucky Lunatic Asylum, a skillful Medical Superintendent, one Assistant Physician, and a Steward; for the Third and Fourth Kentucky Lunatic Asylums, each, a skillful Medical Superintendent, one Assisant Physician, and a Steward; for the Kentucky Asylum for the Education of the Deaf and Dumb, and for the Kentucky Asylum for the Education of the Blind, each, a Superintendent and an Attendant Physician, all of whom shall live in or near the Asylum for which they shall be appointed. There shall also be a Matron at each of said Asylums, appointed by the Superintendent thereof, who, together with all other officers appointed under this act, shall receive for their services, annually, such compensation as now provided by law: *Provided, however*, That the Stewards of the First and Second Lunatic Asylums, established by this act, shall, each, receive, annually, the sum of one thousand dollars; and the Stewards of the Third and Fourth Lunatic Asylums, each, the sum of seven hundred dollars annually. The salaries of all officers appointed under this act shall be paid out of the annual appropriations by the State for the support and maintenance of said Asylums: *Provided further*, That the Governor may remove any of said officers, except the Matrons, at any time, for cause deemed sufficient by him, and, by and with the advice and consent of the Senate, appoint others in stead.

§ 12. That the treasurer of each and every of said Asylums, before he shall act as such, and before he receives any money or other means belonging to said Asylum, shall execute a covenant to the Commonwealth of Kentucky, in such sum and with such sureties as may be required and approved by the Governor and the county judge of his county, for the safe-keeping and disbursement of all money and other means which may be placed in his hands by the Board of Commissioners appointing him, its agents, or other officers, or by the State. It shall be unlawful for the treasurer of any of said Asylums to appropriate any portion of said money or other means to his own use, or to loan the same to any other person, for any purpose whatever, or to pay out or disburse any of said money or other means in liquidation of any bond, bill, promissory note, open account, or any other character of claim against the Asylum, in whole or in part, except upon the warrant of the president, countersigned by the secretary; and for any violation of this provision by the treasurer, he and his sureties are hereby made liable on his official bond for the full amount of the sum or sums so unlawfully appropriated, loaned, or disbursed, with ten per cent. damages, recoverable on proper proof shown, before any court of competent jurisdiction in this Commonwealth.

§ 13. That the several Boards of Commissioners appointed under this act shall meet at their respective Asylum buildings at least four times in each year, for the transaction of business, and oftener if the interest and business of the Institution shall require it. And it shall be unlawful for the president of any Board of Commissioners appointed under this act to issue his warrant on the treasurer for the payment or liquidation, in whole or in part, of any bond, bill, promissory note, open account, or any other character of claim brought against the Asylum for which he is acting, until the same shall have been first submitted to the Board of Commissioners of which he is president, and adjudged by said board to be right, and directed to be paid by an order entered upon the books of the secretary, approved and signed by the president, and countersigned by the secretary; and whenever the president of any of said Boards of Commis-

sioners shall issue his warrant on the treasurer for the liquidation of any claim whatever thus ordered to be paid, he shall cause the number, date, and amount of said warrant to be entered by the secretary in a separate book to be kept for that purpose; and whenever said president shall receive any money or other means for the use and benefit of said Asylum, he shall cause the same to be entered by the secretary in said separate book, but on a different page, stating the amount of money, the character and amount of means, and when and from whom received; and when the president shall have caused the entry to be thus made, he shall deposit said money and other means (bonds, bills, promissory notes, or other convertible means), with the treasurer, and take his receipt therefor, and preserve the same as a voucher.

§ 14. It shall be the duty of the stewards to be appointed under this act to purchase and furnish to their respective Asylums all needed and required supplies, of every description. Said supplies shall be bought where they can be bought cheapest; due regard, however, shall be paid in all cases to the quality as well as the price of said supplies. Said supplies shall be paid for out of the annual appropriations made by the State for the support and maintenance of said Asylums; but it shall not be lawful for said stewards, or any one of them, to check or draw on the treasurer of any of said Asylums to pay for said supplies, in whole or in part; but it shall be the duty of each and every of said stewards, when purchasing any supplies, to cause to be made out by the seller an itemized bill or account of the same, against the Asylum represented by said steward, setting forth separately the date of purchase, and the name and price of each article purchased; and said bill or account, when so made out, in the name of the seller, shall be presented by the steward so purchasing to the Board of Commissioners; and when a majority of the whole number of said board shall adjudge the same to be right, and direct the same to be paid, by an order entered upon the book of the secretary of said board, and signed by the president and countersigned by the secretary, it shall then be the duty of the President of said Board of Commissioners to issue his warrant upon the treasurer for the payment of the same, but not before. The true intent and meaning of this provision is hereby declared to be, that no account or claim, of any character or description whatever, brought against any of the Asylums established by this act, either by the officers thereof or by any other person or persons, shall be paid, in whole or in part, until the same shall have been first submitted to the Board of Commissioners of the Asylum, against which the account may be presented or the claim preferred, and declared by a majority of said Board of Commissioners to be just and right, and directed to be paid, by an order entered upon the book of the secretary of said board, signed by the president and countersigned by the secretary. It shall be the duty of said stewards, of each and every of them, whenever the president of their respective boards shall issue a warrant on the treasurer in payment of any supplies purchased by them, or either of them, to carefully enter, in a book to be kept for the purpose, the number, date, and amount of said warrant, and the name of the person to whom the same was issued. The said stewards shall also take possession of the farm and garden attached to their respective Asylums, and superintend and control the cultivation and management of the same. They shall, each and every of them, within the first week after entering upon their duties, take a complete inventory of all the crop, of every description, on hand, of all live stock, cattle, horses, hogs, and other stock, of all farming utensils, wagons, carts, and of all other effects attaching and properly belonging to the farm and garden,

and keep, preserve, and account for the same. They shall, each of them, superintend and control the cultivation of the farm and garden attached to their respective Asylums. Each and every of the stewards appointed under this act shall be responsible for all the stock and products of the farm and garden placed in his hands and under his control. Nothing on the farm or garden, or under his control, shall be taken therefrom without his knowledge and consent; but whenever the President of the Board of Commissioners shall apply to the steward to furnish, from the farm or garden, supplies for the Asylum for which such steward may be acting, it shall be the duty of the steward to do so, taking the receipt of said president for the same, specifying the amount of such supplies, and their market value, which receipt shall be entered upon the books of the secretary and on the books of the steward furnishing the supplies, and filed in his office and safely kept by him as a voucher. If any stock or produce be sold for cash, by any steward, off the farm or garden placed in his hands or under his care, the same shall be paid over by him to the treasurer, and the treasurer's receipt taken for the same, specifying for what stock or produce said money was received, and to whom sold; and said treasurer's receipt shall be recorded in the books of the secretary of the board, and in the books also of the steward, and filed and safely kept in the office of said steward as a voucher: *Provided, however*, That it shall not be lawful for any steward appointed under this act to sell any number of the stock, or any portion of the products of the farm or garden, for cash, or on credit, without the advice and consent of the Board of Commissioners. It shall be the duty of the steward of each and every of the Asylums named in and established by this act to keep a full and complete record of all their official acts and proceedings, which shall be open at any time to the inspection of any committee or commissioner appointed by the General Assembly to examine the same. It shall be the duty of each of said stewards to report to the Governor monthly a statement, in writing, of his official acts to date, the condition of the farm and garden, and the number, character, and condition of the stock under his care and control.

§ 15. That from and after the passage of this act, the two Asylums named in, and established by, the second section of this act as the Third Kentucky Lunatic Asylum and the Fourth Kentucky Lunatic Asylum, shall be, and the same are hereby, set apart and devoted to the reception, care, and treatment of that class of lunatics afflicted with chronic mania or epilepsy; and the two Asylums named in, and established by, said second section of this act as the First Kentucky Lunatic Asylum and the Second Kentucky Lunatic Asylum, shall be, and the same are hereby, set apart and devoted to the reception, care, and treatment of that class of lunatics afflicted with acute mania; and the Governor is hereby authorized and empowered to cause all the lunatics in the State to be located and provided for in conformity with this section, and at as early a day as practicable after the first day of May, 1873.

§ 16. That no secretary or treasurer appointed under this act shall be a member of the Board of Commissioners.

§ 17. That the secretary and treasurer of each and every of the Asylums established by this act shall make to the Governor, quarterly, a separate report of the financial condition of their Asylums.

§ 18. It shall be the duty of the treasurer, under the order of the Board of Commissioners of each and every of said Asylums, to receive from, and receipt to, the Treasurer of the State for all moneys appropriated to the use of their respective Asylums.

§ 19. That the terms of all officers provided for in this act, other than the Commissioners, shall be four years.

§ 20. That from and after the first day of May, 1873, the children in the Institution, now styled the Kentucky Institution for the Education and Training of Feeble-minded Children, shall be returned to their parents, if living and suitable to take charge of them, if not, to their guardians or committees, at the expense of the State; such as have neither parent, guardian, or committee, shall, unless some suitable relative apply for them, be returned to the county from which they were sent to said Institution, and the county court shall appoint a committee for such feeble-minded child or person, giving preference to the next of kin, if a suitable person, and said committee shall procure a suitable home for such feeble-minded child or person.

§ 21. That the parent, guardian, or committee, as the case may be, shall be allowed for each pauper feeble-minded child or person the sum of dollars per annum, to be paid in equal semi-annual installments out of the State Treasury for the support of each of said pauper feeble-minded children or persons, upon the order of the circuit court, certified to the Auditor of Public Accounts, as now provided by law in case of idiot claims, which sum shall be paid by the parent, guardian, committee, to the person taking care of and supporting the feeble-minded child or person.

§ 22. It shall be the duty of the county court to see that the money drawn under the provisions of this act is faithfully applied to the support and comfort of said feeble-minded children or persons, and to remove the guardian or committee for a failure to discharge his duty, and to change the custody of such children or persons, if not properly cared for.

§ 23. That the Governor is requested, as soon after the passage of this act as may be convenient, to cause copies of the same to be mailed to each county judge of the counties to which any feeble-minded child is to be returned.

§ 24. That an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum, and the enlargement of the Western Lunatic Asylum," approved February 5th, 1873, be, and the same is hereby, repealed.

§ 25. That all acts or parts of acts in conflict with the provisions of this act, be, and the same are hereby, repealed.

§ 26. This act shall take effect and be in force from and after its passage.

Mr. Talbott moved to amend said bill as follows, viz:

Amend the 15th section by adding to the proviso thereof the following: "And the inmates at what is now known as the State House of Reform for Juvenile Delinquents remain where they now are; and any other person or persons who may hereafter be convicted and sentenced to confinement in said House of Reform, be received in and remain thereat until otherwise provided by law."

Which was adopted.

Mr. Pope then moved to amend said bill as follows, viz:

Amend section 2, lines 13, 14, and 15, by striking out the words "and the Institution now named and styled the Kentucky Institution for the Education of the Blind, shall be named and styled the Kentucky Asylum for the Education of the Blind," and amend section

11, line 9, by striking out the words "and for the Kentucky Asylum for the Education of the Blind, each."

And the question being taken on the adoption thereof, it was decided in the negative.

Mr. Whitaker then moved to amend the 21st section of the bill by filling the blank with the words "one hundred."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	D. R. Haggard,	W. H. Sneed,
R. A. Burton,	H. S. Hale,	W. L. Vories,
W. W. Frazer,	I. L. Hyatt,	Emery Whitaker—9.

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	A. L. Martin,
G. W. Connor,	Thomas F. Hargis,	O. D. McManama,
John E. Cooper,	Edwin Hawes,	Alfred T. Pope,
J. H. Dorman,	G. A. C. Holt,	A. G. Talbott,
William P. Duvall,	Wm. Johnson,	Ben. J. Webb—16.
John J. Gatewood,		

On motion, the blank was then filled with "seventy-five."

Mr. Haggard then moved to amend said bill.

Ordered, That said proposed amendment be printed, and that the bill be made the special order of the day for Thursday next.

Mr. McManama, from the Joint Committee on the Revision of the Statutes, made an additional report.

The following message was received from the House of Representatives, viz:

The House of Representatives have concurred in the action of the Senate with regard to the proposed revision of the Statutes in this form, viz:

Chapter 53, title "Idiots and Lunatics;"
Chapter 54, title "Impeachments;"
Chapter 56, title "Incorporated Companies;"
Chapter 57, title "Injuries to Person or Property;"
Chapter 59, title "Inspection;"
They have adopted without amendment.

Chapter 52, title "Husband and Wife," they have adopted with the following amendment thereto, viz:

In article 2, section 7, after the letters and figures ("S. A. 1870, p. 21)," in the 7th line, insert the following: "In counties where no newspaper is published, the clerk of the circuit court shall give twenty days' notice by three written posters, posted in three of the most public places in the county."

They have adopted chapter 55, title "Inclosures and Certain Trespasses," with the following amendments thereto, viz:

1. Strike out the 1st section of article 4.

2. Strike out the word "such" in the 1st line of section 2 of same article.

3. Strike out the word "not" in the beginning of 3d line of same section.

They have adopted chapter 60, tile "Interest and Usury," with the following amendments thereto, viz:

1. Strike out the 8th and 9th sections of article 1.

2. Add the words "and discount" after the word "exchange," in line 2 of section 5, article 2.

Chapter 61, title "Jail and Jailers," was adopted with the following amendment: Add as section 16: "It shall be the duty of the jailer to keep the jail clean and free from nauseous odors. He shall, at all times, keep the same comfortably warm, and shall, at all times, provide the prisoners confined in the jail with a sufficiency of bed-clothing to make them comfortable, such bed-clothing to be paid for out of the county levy."

Chapter 58, title "Insolvent Debtors," they have adopted with the following amendments. Add thereto, article 2, section 2: "It shall be the duty of the clerks of the circuit and chancery courts of this Commonwealth to keep a registry of all suits brought to settle insolvent estates in said courts; and upon the filing of any petition for the settlement of any such estate and distribution of its assets, to notify the clerk of the county court of their respective counties of that fact; and upon a decree directing the distribution of such estate, to report the same, together with the style of the suit in which the estate was settled, to the clerk of the county court of their respective counties, within thirty days after the rendition of such decree; and said clerk shall keep an alphabetical register of the same, with the style of the suit in which such estate was settled.

"§ 3. It shall be the duty of the county court clerk of the county wherein such estates are settled, as provided in the second section of this article, to receive, file, and record such notice and style of suit in the volume used for recording settlements, and to make proper entries upon the register of estates.

"§ 4. For services rendered under sections 2 and 3 of this article, the clerks of circuit, chancery, and county courts shall be entitled to the fees now allowed by law for similar services in other cases—the same to be taxed by the circuit or chancery court clerks as part of the costs of the action. The county court clerks shall charge their fees to the plaintiff in such suits."

Change section 2 to section 5.

The Senate took up for consideration the amendment proposed by the House of Representatives to chapter 52, title "Husband and Wife."

The amendment proposed by the committee was adopted.

The Senate then took up for consideration the amendments proposed by the committee to chapter 55, title "Inclosures and Certain Trespasses."

The first amendment was to strike out the first section of article four.

Said section is as follows, viz:

§ 1. If the owner or bailee of cattle shall not himself have a lawful fence, and his cattle shall break or pass over his inclosure, or if he shall permit them to run at large, and they shall go upon the inclosure of another, no matter whether he have a lawful fence or not, the owner of such cattle shall be liable for the damage they may do, and the cattle shall be in lien for the payment of the damages and costs.

The question was then taken on concurring in the amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	D. R. Haggard,	I. L. Hyatt,
John E. Cooper,	H. S. Hale,	A. L. Martin—8.
W. W. Frazer,	Edwin Hawes,	

Those who voted in the negative, were—

John S. Barlow,	Thomas F. Hargis,	W. H. Sneed,
R. A. Burton,	J. B. Haydon,	A. G. Talbott,
G. W. Connor,	G. A. C. Holt,	W. L. Vories,
J. H. Dorman,	Wm. Johnson,	Ben. J. Webb,
John J. Gatewood,	O. D. McManama,	Emery Whitaker—17.
Jesse C. Gilbert,	Alfred T. Pope,	

The question was then taken on concurring in the second amendment to said chapter, second section, and it was decided in the negative.

The question was then taken on concurring in the third amendment, same chapter, second section, and it was decided in the negative.

The Senate then took up for consideration the amendments proposed by the House of Representatives to chapter 60, title "Interest and Usury."

The first amendment was to strike out the eighth and ninth sections of article one of said chapter, which reads as follows, viz:

§ 8. In the discount of any evidence of debt, corporations authorized to loan money may take the discount in advance, at the rate of one dollar in the hundred for every sixty days, and at that rate for a longer or shorter period, including the three days of grace. If any greater discount is taken, the whole contract for interest shall be void, and anything paid thereon as interest may be recovered back by the person paying the same, or any creditor of his may recover the same by petition in equity.

§ 9. Nothing in the last section shall prevent such corporation, in discounting a bill of exchange, from taking the fair rate of exchange between the place at which it is bought and that at which payable, in addition to the discount for interest as therein named. But such privilege of buying

exchange at less than par value shall not be used to disguise a loan of money at a greater rate of discount than in the last section allowed.

The question was then taken on concurring in said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hawes and Gatewood, were as follows, viz:

Those who voted in the affirmative, were—

G. W. Connor,	H. S. Hale,	J. B. Haydon,
W. W. Frazer,	Thomas F. Hargis,	I. L. Hyatt—7.
John J. Gatewood,		

Those who voted in the negative, were—

John S. Barlow,	D. R. Haggard,	W. H. Sneed,
Robert Boyd,	Edwin Hawes,	A. G. Talbott,
R. A. Burton,	Wm. Johnson,	W. L. Vories,
John E. Cooper,	A. L. Martin,	Ben. J. Webb,
J. H. Dorman,	O. D. McManama,	Emery Whitaker—17.
Jesse C. Gilbert,	Alfred T. Pope,	

The question was then taken on concurring in the second amendment to said chapter, article two, section five, and it was decided in the affirmative.

The question was then taken on concurring in the amendment proposed by the House of Representatives to chapter sixty-one, title "Jails and Jailers," and it was decided in the affirmative.

The question was then taken on concurring in the amendments proposed by the House of Representatives to chapter 58, title "Insolvent Debtors," and it was decided in the affirmative.

The Senate then took up for consideration the report of the Joint Committee on the Revision of the Statutes, it being the sixty-sixth chapter, title "Laws."

The eighth, twelfth, and eighteenth sections were amended, and the chapter adopted.

And then the Senate adjourned.

WEDNESDAY, APRIL 2, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend the charters of the Jefferson and Brownsboro and Harrod's Creek and Sand Hill Turnpike Road Companies and branches.

An act to incorporate the Rockcastle Railway Company.

An act to repeal section seventeen of an act to incorporate the Chataroi Railway Company, approved March 11th, 1873.

An act to suppress lawlessness in this Commonwealth.

With sundry amendments to the last named bill.

Which were referred to the Committee on Courts of Justice.

A message was also received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to the amendment proposed by the House of Representatives, to a bill, which originated in the Senate, of the following title, viz:

An act for the benefit of keepers of licensed stud horses, jacks, and bulls.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to establish a colored free school at Bowling Green.

2 An act to amend the charter of the Eastern Kentucky Railway Company.

3. An act to further define the duties of Commonwealth and county attorneys.

4. An act to provide for the payment of conveying prisoners to the House of Reform.

5. An act for the benefit of the tax-payers of Carter county.

6. An act to prohibit and punish persons guilty of intimidating voters.

7. An act to authorize the sheriff and master commissioner of Fayette county to advertise sales of real and personal property in said county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Education; the 2d to the Committee on Railroads; the 3d, 6th, and 7th to the Committee on the Judiciary, and the 4th and 5th to the Committee on Finance.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to amend an act, entitled "An act to incorporate the Mount Sterling Water-works Company."

By same—

An act to amend the charter of the South Kentucky Fair Ground Association.

By same—

An act to amend the charter of the Webster Coal Company, approved March 9th, 1867, and amendment thereto, approved March 20th, 1871.

By same—

An act to incorporate the Williamsburg Geological and Mining Company.

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of Sallie Sanders.

By same—

An act for the benefit of Martha A. Hightower, a pauper lunatic.

By same—

An act for the benefit of Mildred A. Broadus, a pauper idiot, of Lincoln county.

By same—

An act for the benefit of John Pinkerton, of Carter county.

By same—

An act for the benefit of Mrs. Elizabeth J. Spradlin, of Floyd county.

By Mr. Gatewood, from the Committee on Education—

An act to establish a colored free school at Bowling Green.

By Mr. Whitaker, from the Committee on Banks and Insurance—

An act to amend an act, entitled "An act to incorporate the Clay Fire and Marine Insurance Company of Newport," approved March 10th, 1856.

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An act to establish a colored free school at Bowling Green.

By Mr. Whitaker, from the Committee on Banks and Insurance—

An act to amend an act, entitled "An act to incorporate the Clay Fire and Marine Insurance Company of Newport," approved March 10th, 1856.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the American Industrial College.

With an amendment to the last named bill.

Which was adopted.

Ordered, That said bills, the last named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to incorporate the Grand Division of Sons of Temperance.

By Mr. Whitaker, from the Committee on Courts of Justice—

A bill to incorporate the Woolen Manufacturing Company.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill providing for the collection of the railroad tax in the county of Montgomery.

By Mr. Hargis, from the Committee on the Judiciary—

A bill to incorporate Confederate City, in Rowan county.

By Mr. Talbott, from a select committee—

A bill to amend the charter of the town of Danville.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Gilbert, from the Committee on Courts of Justice, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of W. R. Stringer, of Livingston county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

[*For bill—see Acts present session.*]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	Wm. Johnson,
R. A. Burton,	D. R. Haggard,	A. L. Martin,
James F. Clay,	H. S. Hale,	Alfred T. Pope,
G. W. Connor,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	Edwin Hawes,	A. G. Talbott,
J. H. Dorman,	J. B. Haydon,	W. L. Vories,
William P. Duvall,	G. A. C. Holt,	Ben. J. Webb,
W. W. Frazer,	I. L. Hyatt,	Emery Whitaker—25.
John J. Gatewood,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Talbott—

1. A bill to amend the charter of the town of Danville.

On motion of Mr. McAfee—

2. A bill to incorporate the Nicholasville Building and Accumulating Fund Association.

Ordered, That a select committee, consisting of Messrs. Talbott, Whitaker, and Burton, prepare and bring in the 1st, and the Committee on Courts of Justice the 2d.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in the House of Representatives, of the following titles, viz:

An act to protect the owners of breeding and training farms and stables;

An act for the benefit of the Iron Works Turnpike Road Company;

An act to amend the original and amended acts incorporating the town of Earlington;

An act to enable the court of claims of Henry county to pay the county indebtedness;

An act to amend an act incorporating the Concord and Tollsboro Turnpike Road Company;

An act to amend the charter of the Winchester Cemetery Company;

An act to authorize the appointment of an additional examiner to take depositions in and for Floyd county;

An act for the benefit of school district No. 62, in Shelby county;

An act to amend an act, entitled "An act to amend the charter of the Big Sandy Valley Railroad Company;"

Resolution directing an inquiry as to certain delays in regard to the revision of the Statutes.

And enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to amend the articles of incorporation of the Irish Building and Loan Association;

An act to further amend the charter of the Christian County Bank;

Resolution in relation to the enrolling of the chapters of the Revised Statutes when acted on by the two Houses;

And had found the same truly enrolled.

Said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

The Senate resumed the consideration of the report of the Joint Committee on the Revision of the Statutes.

Chapter 67, title "Legislature," was adopted.

Chapter 68, title "Landlord and Tenant," was then taken up.

Mr. Haggard moved to amend the last section of article 6 of said chapter as follows, viz:

Except for money or property furnished the tenant by the landlord for the purpose of enabling the tenant to subsist or to raise his crop, for which the landlord shall have a lien on the whole crop of the tenant raised on the leased or rented premises.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gatewood and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	Alfred T. Pope,
R. A. Burton,	H. S. Hale,	W. H. Sneed,
James F. Clay	Edwin Hawes,	A. G. Talbott,

G. W. Connor,	J. B. Haydon,	W. L. Vories,
W. McKee Fox,	G. A. C. Holt,	Ben. J. Webb,
W. W. Frazer,	Wm. Johnson,	Emery Whitaker—20.
Jesse C. Gilbert,	A. L. McAfee,	

Those who voted in the negative, were—

John E. Cooper,	John J. Gatewood,	A. L. Martin,
F. W. Darby,	Thomas F. Hargis,	O. D. McManama—7.
J. H. Dorman,		

The chapter was then adopted.

The 69th chapter, title "Liens in favor of Mechanics, Laborers, and Material Men," was adopted.

Chapter 70, title "Limitation of actions," was amended and adopted.

Chapters 71, 74, 76, 77, and 78 were adopted, and chapters 73 and 79 amended and adopted, and chapters 72 and 75 were passed over.

And then the Senate adjourned.

THURSDAY, APRIL 3, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Dallasburg Cemetery Company.

An act for the benefit of common school district No. 1, in Allen county.

An act for the benefit of common school district No. 42, in Allen county.

An act to amend an act, entitled "An act to incorporate the Fulton County Agricultural Society," approved January 18th, 1873.

An act to incorporate the Owenton and Sparta Telegraph Company.

An act for the benefit of the Minerva and Beley's Creek Turnpike Road Company, in Mason county.

An act for the benefit of the administrator of Asa Gilbert, late sheriff of Clay county.

That they had passed bills of the following titles, viz:

1. An act for the benefit of school district No. 28, in Clinton county.

2. An act to incorporate the Hillsboro and Plummer's Landing Turnpike Company.

3. An act for the benefit of the Hillsboro and Mouth of Fox, and the Tilton and Day's Mill Turnpike Company.

4. An act to change the time of holding circuit courts in the 13th judicial district.

5. An act to incorporate the Moore and Noland Turnpike Road Company.

6. An act to amend an act, entitled "An act to incorporate the Lincoln and Boyle Turnpike Road Company."

7. An act for the protection of bee-keepers in this Commonwealth.

8. An act to amend an act, entitled "An act to amend and reduce into one the acts in regard to the town of Columbia."

9. An act for the benefit of J. B. Evans, of Monroe county.

10. An act providing for transcribing the plats, surveys, and certificates of land lying in Magoffin county.

11. An act for the protection of sheep in Bracken county.

12. An act to prescribe and regulate the rates of ferriage upon the Ohio river for boats plying to and from the corporate limits of the town of Greenup.

13. An act to amend an act to provide for the organization and regulation of incorporated companies, except banking, insurance, and railroad companies, approved March 15th, 1870.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Education; the 2d, 3d, 5th, and 6th to the Committee on Internal Improvement; the 4th and 10th to the Committee on Courts of Justice; the 7th to the Committee on Agriculture and Manufactures; the 8th, 11th, 12th, and 13th to the Committee on the Judiciary, and the 9th to the Committee on Claims.

Bills of the following titles were reported from the Committee on Courts of Justice, which had been directed to prepare and bring in the same, viz:

By Mr. Gilbert—

A bill to amend an act, entitled "An act to empower county courts

to take stock in turnpike roads in this Commonwealth," approved March 9th, 1868.

By same—

A bill to incorporate the South Kentucky Immigration and Real Estate Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Gilbert, from the Committee on Courts of Justice, to whom had been referred the amendments proposed by the House of Representatives to bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of R. L. Ewell, clerk of the Laurel county court;

An act to suppress lawlessness in this Commonwealth;

Reported the same, with the expression of opinion that said amendments should be concurred in.

And the question being taken on concurring in said amendments, it was decided in the affirmative.

Resolved, That the title of the last named bill, as proposed to be amended by the House of Representatives, be changed so as to read,

An act to amend chapter 28 of the Revised Statutes, title "Crimes and Punishments."

Mr. Holt, from the Committee on Courts of Justice, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to facilitate the collection of delinquent taxes in Owen county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Holt, from the Committee on Courts of Justice, reported a bill, entitled

A bill providing compensation for the services of W. R. Bradley in the defense of the action of the State of Missouri against the State of Kentucky for the recovery of Wolf Island.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of W. R. Bradley for the sum of fifteen hundred dollars, payable out of any money in the Treasury not otherwise appropriated; which sum, when paid, shall be in full satisfaction of all claims of said Bradley against the Commonwealth for his services and expenses in finding witnesses, taking depositions, and making maps and plats for the State of Kentucky in her defense of the action brought against her in the Supreme Court of the United States by the State of Missouri for the recovery of Wolf Island.

§ 2. This act shall take effect from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	John W. Johnson,
James F. Clay,	D. R. Haggard,	William Johnson,
G. W. Connor,	H. S. Hale,	Alfred T. Pope,
John E. Cooper,	Thomas F. Hargis,	K. F. Prichard,
F. W. Darby,	Edwin Hawes,	A. G. Talbott,
J. H. Dorman,	J. B. Haydon,	W. L. Vories,
William P. Duvall,	G. A. C. Holt,	Ben. J. Webb,
W. McKee Fox,	I. L. Hyatt,	Emery Whitaker—25.
W. W. Frazer,		

Those who voted in the negative, were—

Robert Boyd,	O. D. McManama,	W. H. Sneed—4.
R. A. Burton,		

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to require attachments from other counties to be noted of record in the office of the county clerk of Jefferson county.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Barlow—

1. A bill for the benefit of school district No. 49, in Monroe county.

On motion of Mr. McAfee—

2. A bill to amend the charter of the town of Nicholasville.

On motion of Mr. Hyatt—

3. A bill to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

On motion of same—

4. A bill to repeal the charter of the St. Matthew's and Grove Creek Turnpike Road Company.

Ordered, That the Committee on Education prepare and bring in the 1st; the Committee on Revised Statutes and Codes of Practice the 2d, and the Committee on Internal Improvement the 3d and 4th.

Mr. Prichard, from the Committee on the Judiciary, to whom had been referred a bill, entitled

A bill to amend an act to incorporate the Licking River Lumber and Mining Company,

Reported the same, with the expression of opinion that said bill ought not to pass.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of section (2) two of an act, entitled "An act to incorporate the Licking River Lumber and Mining Company," as authorizes said company to float and drive, without let or hindrance, down said river, logs, wood, and other lumber, loose and not rafted, or that permits said company to enter upon and occupy the lands of others without the consent of the owner, is hereby repealed.

§ 2. That said company shall hereafter raft their logs, wood, or other lumber on said river, and shall not have the privilege of floating or driving the same loose down said river.

§ 3. For a violation of this act all parties engaged in such violation shall be fined not less than fifty dollars for each offense upon indictment before a grand jury.

§ 4. This act shall take effect the first day of September, 1873.

Mr. Cooper then moved the following resolutions in relation to said bill, viz:

Resolved, That when the Senate adjourns on this day, it adjourn to meet again to-night at 7½ o'clock, P. M., for the purpose of consid-

ering the bill, entitled "An act to amend an act to incorporate the Licking River Lumber and Mining Company."

Resolved further, That when the Senate adjourns on to-morrow, that it adjourn to meet again to-morrow night at 7½ o'clock, P. M., for the purpose of considering the bill in relation to the Kentucky River Navigation Company.

The question was then taken on the adoption of said resolutions, and it was decided in the negative.

The yeas and nays being required thereon by Messrs Cooper and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	H. S. Hale,	John W. Johnson,
John E. Cooper,	Thomas F. Hargis,	Alfred T. Pope,
J. H. Dorman,	G. A. C. Holt,	Ben. J. Webb,
W. W. Frazer,	I. L. Hyatt,	Emery Whitaker—13.
Jesse C. Gilbert,		

Those who voted in the negative, were—

R. A. Burton,	D. R. Haggard,	O. D. McManama,
James F. Clay,	Edwin Hawes,	K. F. Prichard,
F. W. Darby,	J. B. Haydon,	W. H. Sneed,
William P. Duvall,	William Johnson,	A. G. Talbott,
W. McKee Fox,	A. L. McAfee,	W. L. Vories—15.

Ordered, That the further consideration of said bill be postponed to, and made the special order for, to-morrow night, at 7½ o'clock.

The Senate took up for consideration a bill, entitled

A bill concerning the various charitable institutions in this Commonwealth,

Together with the amendment heretofore proposed by Mr. Haggard.

The original bill reads as follows, viz:

[*For bill—see Journal of April* 1, 1873.]

The amendment proposed by Mr. Haggard reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following institutions are hereby reorganized and established as follows, to-wit: That the Lunatic Asylum at Lexington shall be styled the Eastern Lunatic Asylum; the Lunatic Asylum at Hopkinsville shall be styled the Western Lunatic Asylum; the Institution known as the State House of Reform for Juvenile Delinquents shall be an Asylum for the demented and epileptic lunatics.

§ 2. It shall be the duty of the Governor, as soon as may be convenient, and the last named institution is ready for the reception of the demented and epileptic lunatics now in the Eastern and Western Lunatic Asylums, to take from each of said institutions one hundred lunatics of the two classes named, and send them to the Asylum known as the State House of Reform for Juvenile Delinquents and the epileptic and demented lunatics.

§ 3. It shall also be the duty of the Governor, as soon as may be after the passage of this act, to nominate, and by and with the advice and consent of the Senate appoint, seven discreet men as a Board of Commissioners for each and all of the Asylums named in and established by this act; and said Board of Commissioners, for each of the aforesaid Asylums respectively, are hereby authorized to receive, by gift or devise, or otherwise, lands, money, and other property, for the benefit of the State, in aid of the objects of said Asylums, and the same to retain, use, and employ, and apply to the benefit of the respective Asylums.

§ 4. The said Commissioners are authorized and empowered, from and after the 30th day of May, 1873, to take possession of all the real estate, buildings, and property of every kind and description, in any way connected with any one and all of the Asylums heretofore mentioned, together with the books, papers, bonds, lands, stock, improvements, and effects, wherever found on the premises of each of the aforesaid Asylums, and to hold and use and apply the same as is best calculated to promote the objects contemplated: *Provided, however*, That whenever the Board of Commissioners so appointed shall receive any private or public donations of money or other property, for any specified purpose, it shall be sacredly set apart for the especial purpose intended by the donor, and no other object whatsoever.

§ 5. The Board of Commissioners for each Asylum shall make a semi-annual report to the Governor of the number, name, and in what State or county each inmate resided at the time he or she was sent to each Asylum, and whether they are gratuitous patients or otherwise; also, give an itemized account of all the moneys received and expended, from whence derived, and for what expended.

§ 6. The Board of Commissioners for each Asylum shall appoint one of their number president, and also appoint a secretary and treasurer, and all other inferior officers, and may select a matron for each Asylum if they think it advisable so to do; and they may remove any one or all of them when they shall think it will be to the interest of said institution to do so, and appoint others in their stead: *Provided*, That the General Assembly shall control the action of each Board of Commissioners.

§ 7. It shall be unlawful for any of the Board of Commissioners to transact any business unless there shall be a majority present, and their action approved by the president and countersigned by the secretary.

§ 8. That hereafter the Governor, by and with the advice and consent of the Senate, shall appoint, for each of the Asylums hereinbefore mentioned and named, the following named officers or agents, to-wit: a Medical Superintendent and one Assistant Physician, whose salaries shall be the same as now provided for by law. The sum each officer shall receive shall be paid quarterly out of the annual appropriations by the State. All of the salaries of officers hereby authorized shall be paid out of the same fund and at the same time. The Commissioners shall fix the salaries of the inferior officers for each Asylum, provided the president of said Board of Commissioners and the Governor shall first approve the same.

§ 9. That each Commissioner, and every other officer of said Asylums appointed under this act, shall, before entering upon the duties of his office, take an oath before some notary public, or other officer authorized to administer oaths, that he or she will well and truly discharge the duties of his or her trust.

§ 10. That the treasurer of each and every of said asylums, before he shall act as such, and before he receives any money or other means belonging to said Asylum, shall execute a covenant to the Commonwealth of Kentucky, in such sum and with such sureties as may be required and approved by the Governor and the county judge of his county, for the safe-keeping and disbursement of all money and other means which may be placed in his hands by the Board of Commissioners appointing him its agent. It shall be unlawful for the treasurer of any of said Asylums to appropriate any portion of said money or other means to his own use, or to loan the same to any other person, for any purpose whatever, or to pay out or disburse any of said money or other means in liquidation of any bond, bill, promissory note, open account, or any other character of claim against the Asylum, in whole or in part, except upon the warrant of the president, countersigned by the secretary; and for any violation of this provision by the treasurer, he and his sureties are hereby made liable on his official bond for the full amount of the sum or sums so unlawfully appropriated, loaned, or disbursed, with ten per cent. damages, recoverable on proper proof shown, before any court of competent jurisdiction in this Commonwealth.

§ 11. That the several Boards of Commissioners appointed under this act shall meet at their respective Asylum buildings at least twice in each year, for the transaction of business, and oftener if the interest and business of the Institution shall require it. And it shall be unlawful for the president of any Board of Commissioners appointed under this act to issue his warrant on the treasurer for the payment or liquidation, in whole or in part, of any bond, bill, promissory note, open account, or any other character of claim brought against the Asylum for which he is acting, until the same shall have been first submitted to the Board of Commissioners of which he is president, and adjudged by said board to be right, and directed to be paid by an order entered upon the books of the secretary, approved and signed by the president, and countersigned by the secretary; and whenever the president of any of said Boards of Commissioners shall issue his warrant on the treasurer for the liquidation of any claim whatever thus ordered to be paid, he shall cause the number, date, and amount of said warrant to be entered by the secretary in a separate book to be kept for that purpose; and whenever said president shall receive any money or other means for the use and benefit of said Asylum, he shall cause the same to be entered by the secretary in said separate book, but on a different page, stating the amount of money, the character and amount of means, and when and from whom received; and when the president shall have caused the entry to be thus made, he shall deposit said money and other means (bonds, bills, promissory notes, or other convertible means), with the treasurer, and take his receipt therefor, and preserve the same as a voucher.

§ 12. It shall be the duty of the stewards to be appointed under this act to purchase and furnish to their respective Asylums all needed and required supplies of every description. Said supplies shall be bought where they can be bought cheapest; due regard, however, shall be paid in all cases to the quality as well as the price of said supplies. Said supplies shall be paid for out of the annual appropriations made by the State for the support and maintenance of said Asylums; but it shall not be lawful for said stewards, or any one of them, to check or draw on the treasurer of any of said Asylums to pay for said supplies, in whole or in part; but it shall be the duty of each and every steward, when purchasing any supplies, to cause to be made out by the seller an itemized bill or account of

the same, against the Asylum represented by said steward, setting forth separately the date of purchase, and the name and price of each article purchased; and said bill or account, when so made out, in the name of the seller, shall be presented by the steward so purchasing to the Board of Commissioners; and when a majority of the whole number of said board shall adjudge the same to be right, and direct the same to be paid, by an order entered upon the book of the secretary of said board, and signed by the president and countersigned by the secretary, it shall then be the duty of the president of said Board of Commissioners to issue his warrant upon the treasurer for the payment of the same, but not before. The true intent and meaning of this provision is hereby declared to be, that no account or claim, of any character or description whatever, brought against any of the Asylums established by this act, either by the officers thereof or by any other person or persons, shall be paid, in whole or in part, until the same shall have been first submitted to the Board of Commissioners of the Asylum against which the account may be presented or the claim preferred, and declared by a majority of said Board of Commissioners to be just and right, and directed to be paid, by an order entered upon the book of the secretary of said board, signed by the president and countersigned by the secretary. It shall be the duty of said stewards, of each of them, whenever the president of their respective boards shall issue a warrant on the treasurer in payment of any supplies purchased by them, or either of them, to carefully enter, in a book to be kept for the purpose, the number, date, and amount of said warrant, and the name of the person to whom the same was issued. The said stewards shall also take possession of the farm and garden attached to their respective Asylums, and superintend and control the cultivation and management of the same. They shall, each and every of them, within the first week after entering upon their duties, take a complete inventory of all the crop, of every description, on hand, of all live stock, cattle, horses, hogs, and other stock, of all farming utensils, wagons, carts, and of all other effects attaching and properly belonging to the farm and garden, and keep, preserve, and account for the same. They shall, each of them, superintend and control the cultivation of the farm and garden attached to their respective Asylums. But whenever the President of the Board of Commissioners shall apply to the steward to furnish, from the farm or garden, supplies for the Asylum for which such steward may be acting, it shall be the duty of the steward to do so, taking the receipt of said president for the same, specifying the amount of such supplies, and their market value, which receipt shall be entered upon the books of the secretary and on the books of the steward furnishing the supplies, and filed in his office and safely kept by him as a voucher. If any stock or produce be sold for cash, by any steward, off the farm or garden placed in his hands or under his care, the same shall be paid over by him to the treasurer, and the treasurer's receipt taken for the same, specifying for what stock or produce said money was received, and to whom sold; and said treasurer's receipt shall be recorded in the books of the secretary of the board, and in the books also of the steward, and filed and safely kept in the office of said steward as a voucher: *Provided, however*, That it shall not be lawful for any steward appointed under this act to sell any number of the stock, or any portion of the products of the farm or garden, for cash, or on credit, without the advice and consent of the Board of Commissioners. It shall be the duty of the steward of each and every one of the Asylums named in and established by this act to keep a full and complete record of all their official acts and proceedings, which shall be open

at any time to the inspection of any committee or commissioner appointed by the General Assembly to examine the same. It shall be the duty of each of said stewards to report to the Governor monthly a statement, in writing, of his official acts to date, the condition of the farm and garden, and the number, character, and condition of the stock under his care and control.

§ 13. That no Secretary or Treasurer appointed under this act shall be a member of the Board of Commissioners.

§ 14. That the Secretary and Treasurer of each of the Asylums established by this act shall make to the Governor, quarterly, a separate report of the financial condition of their Asylums.

§ 15. It shall be the duty of the Treasurer, under the order of the Board of Commissioners of each of said Asylums, to receive from, and receipt to, the Treasurer of the State, for all moneys appropriated to the use of their respective Asylums.

§ 16. That the terms of all officers provided for in this act shall be four years.

§ 17. That the building erected at the State House of Reform for Juvenile Delinquents, known as the work-house for said delinquents, shall be partitioned and so arranged as to be in proper condition to receive all such delinquents as was contemplated in the act authorizing the erection of said Institution; and the other buildings shall be set apart, as before mentioned, for the safe-keeping and comfort of the aforesaid demented and epileptic patients which are to be transmitted from the Eastern and Western Lunatic Asylums.

§ 18. That the sum of twenty-five thousand dollars snall be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of making such changes in said buildings as are to be used for said demented and epileptic patients sent from the Eastern and Western Lunatic Asylums. And the Auditor shall issue his warrant for such sums as the Governor may direct, at such times as it may be needed for the purposes indicated, until said sum is exhausted.

§ 19. That an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum, and the enlargement of the Western Lunatic Asylum," approved February 5, 1873, be, and the same is hereby, repealed.

§ 20. That all acts or parts of acts in conflict with the provisions of this act, be, and the same are hereby, repealed.

§ 21. This act shall take effect and be in force from and after its passage.

Mr. Sneed moved to amend the amendment proposed by Mr. Haggard as follows, viz:

Add to the 18th section the following, viz: The Governor shall appoint a commissioner, whose duty it shall be to carry out the provisions of the 17th section of this act; and said commissioner shall cause a plan to be executed by a competent architect; said plan to show the changes necessary to be made and the probable cost of the same, in order to accommodate at least two hundred lunatics, one hundred demented, and one hundred epileptics. Upon the report of said architect, certified by said commissioner, the Governor shall be, and hereby is, empowered to contract for the partition and arrangement of said House of Reform so as to place the same in a proper condition for the reception and treatment of said two hundred lunatics: *Provided*, That the cost of said change shall

not exceed the sum of twenty-five thousand dollars. The Governor shall allow said commissioner and architect a reasonable sum for their respective services; and the Auditor shall draw his warrant upon the Treasurer in favor of the Governor for the respective amounts allowed by him to said commissioner and architect.

Which was adopted.

The question was then taken on the adoption of the amendment proposed by Mr. Haggard, as amended, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	Jesse C. Gilbert,	Alfred T. Pope,
G. W. Connor,	D. R. Haggard,	W. H. Sneed,
F. W. Darby,	I. L. Hyatt,	W. L. Vories,
J. H. Dorman,	William Johnson,	Ben. J. Webb—13.
W. W. Frazer,		

Those who voted in the negative, were—

John S. Barlow,	W. McKee Fox,	John W. Johnson,
Robert Boyd,	Thomas F. Hargis,	A. L. Martin,
James F. Clay,	Edwin Hawes,	K. F. Prichard,
John E. Cooper,	J. B. Haydon,	A. G. Talbott,
William P. Duvall,	G. A. C. Holt,	Emery Whitaker—15.

Mr. Prichard then moved to amend said bill as follows, viz:

Provided, That the house known as "The Juvenile House of Reform" shall not be used as a Lunatic Asylum under the provisions of this bill until some suitable provision is made for the confinement of said juvenile offenders, as contemplated by the act establishing said Juvenile House of Reform.

And the question being taken thereon, it was decided in the negative.

Mr. Haggard then moved to amend said bill as follows, viz:

Provided, That the Institution now known and used as a School for Feeble-minded Children, shall not be taken or used as a Lunatic Asylum, as provided by this act, until the Institutions now known as the Eastern Lunatic Asylum, Western Lunatic Asylum, and House of Reform for Juvenile Delinquents, shall be filled to their full capacity, and necessity shall arise for more room to accommodate lunatics, which necessity shall be certified to the Governor by the Superintendents of the several Lunatic Asylums; and the Governor shall, thereupon, proceed to carry out the provisions of this act, so far as the same applies to the said Feeble-minded Institute.

Pending the consideration of which, the Senate adjourned.

FRIDAY, APRIL 4, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872.

An act for the benefit of the Big Sandy Telegraph Company.

An act to provide for the leasing of the interest of the State in the Louisville and Nashville Turnpike Company on the north side of Barren river, in the county of Warren.

An act to prevent live stock of all kinds from running at large in Mason and Fleming counties.

An act to amend an act, entitled "An act to incorporate the Central West Kentucky Agricultural and Mechanical Association, in Graves county," approved February 25th, 1860.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to repeal an act, entitled "An act authorizing rewards for killing wolves, red foxes, grey foxes, and wild cats."

2. An act for the protection of property on Tennessee river.

3. An act in relation to the sheriff of Calloway county.

4. An act to amend the charter of Russellville.

5. An act to repeal an act to amend the charter of the town of Harrodsburg, approved February 17th, 1872.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 2d to the Committee on Propositions and Grievances; the 3d to the Committee on Military Affairs; the 4th to the Committee on Courts of Justice, and the 5th to the Committee on Religion and Morals.

The following petitions and remonstrance were presented, viz:

By Mr. J. W. Johnson—

1. The petition of sundry citizens of Jeffersontown precinct, in Jefferson county, praying the passage of an act prohibiting the sale of intoxicating liquors in said precinct.

By Mr. Boyd—

2. The petition of sundry citizens of Rockcastle county, praying the passage of an amendment to the prohibitory liquor law of said county.

By same—

3. The remonstrance of sundry citizens of Rockcastle county, against the passage of the foregoing act.

By Mr. Cooper—

4. The petition of sundry citizens of Magoffin county, asking the passage of an act to reduce the price of land warrants in said county to two dollars and fifty cents per acre.

Which were received, the reading dispensed with, and referred—the 1st, 2d, and 3d to the Committee on Religion and Morals, and the 4th to the Committee on Revised Statutes and Codes of Practice.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gatewood, from the Committee on Education—

An act for the benefit of school district No. 28, of Clinton county.

By Mr. Hale, from the Committee on Finance—

An act for the benefit of S. H. Piles, late sheriff of Livingston county.

By same—

An act for the benefit of the tax-payers of Carter county.

By Mr. Sneed, from the Committee on Finance—

An act to cause a head and foot-stone to be erected over the grave of Henry Morton (of color).

By Mr. Burton, from the Committee on Finance—

An act for the benefit of Mrs. V. W. Fishback.

By same—

An act for the benefit of William Little, curator of the estate of Robert E. Moore, deceased.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

An act to incorporate the Benevolent Society of Colored People of Millville, in Woodford county.

By Mr. Hargis, from the Committee on the Judiciary—

An act to further define the duties of Commonwealth and county attorneys.

By same—

An act to prohibit and punish persons guilty of intimidating voters.

By Mr. Talbott, from the Committee on Railroads—

An act to amend the charter of the Eastern Kentucky Railway Company.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile and a half of West Bend, Powell county.

By same—

An act to prevent the sale of intoxicating liquors in the Murphysville precinct, in Mason county.

By same—

An act to incorporate the United Colored Baptist Church, of Lancaster.

By same—

An act to amend an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof," approved February 28th, 1872.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to amend an act, entitled "An act to incorporate Lost Fork and Otter Creek Turnpike Road Company, in Madison county," approved March 16th, 1869.

By same—

An act for the benefit of the Kiddville and Montgomery Turnpike Road Company.

By same—

An act for the benefit of the Hillsboro and Mouth of Fox, and the Tilton and Day's Mill Turnpike Company.

By Mr. Hawes, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous or intoxicating liquors at Cropper's Depot, in Shelby county.

By same—

An act to amend an act, entitled "An act to prohibit the sale of intoxicating liquors in the town of Claysville."

By Mr. Sneed, from the Committee on Finance—

An act for the benefit of Charles R. Oldham, sheriff of Madison county.

By same—

An act to amend an act, entitled "An act for the benefit of S. W. Thompson and his sureties, late clerk of the Scott circuit court."

By Mr. Burton, from the Committee on Finance—

An act for the benefit of R. T. McGlauling.

By same—

An act to provide for the payment of conveying prisoners to the House of Reform.

With amendments to the last four named bills.

Which were adopted.

Ordered, That said bills, the last four named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act affixing penalties and forfeitures upon corporations and persons exercising corporate powers that are required to give bonds, and have failed to do so.

Said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Hale, from the Committee on Finance—

An act to compensate assessors for making an enumeration of the qualified voters of the State;

By Mr. Burton, from the Committee on Finance—

An act for the benefit of S. H. Piles, late sheriff of Livingston county;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

The Senate resumed the consideration of the unfinished report from the Committee on Propositions and Grievances, viz:

An act to submit to the qualified voters of Meade county the question of removal of the county seat.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Sneed, from the Committee on Finance—

A bill for the benefit of John M. Martin, sheriff of Jefferson county.

By Mr. Burton, from the Committee on Finance—

A bill for the benefit of G. T. Strong, sheriff of Breathitt county.

By Mr. Hargis, from the Committee on the Judiciary—

A bill to exempt secretaries, assistant secretaries, superintendents, assistant superintendents, and depot agents of railroads, from jury service.

By Mr. Haggard, from the Committee on Internal Improvement—

A bill repealing the charter of the St. Matthew's and Goose Creek Turnpike Road Company.

By same—

A bill to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill for the benefit of Browder Institute, in Logan county.

By Mr. Hale, from the Committee on Finance—

A bill to amend an act incorporating the Williamstown Odd Fellows' Hall Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Talbott, from the Committee on Railroads, reported a bill, entitled

A bill to incorporate the Louisville, Winchester, and Iron and Coal Region Railway Company.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby created and established a body-politic and corporate, under the name and style of the Louisville, Winchester, and Iron and Coal Region Railway Company, and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person. Said company may also have and use a common seal, and may alter and change the same at pleasure; and it shall have all other lawful powers usual and necessary for carrying out the objects and purposes for which it is created and established.

§ 2. That E. D. Standiford, W. R. Kay, Jno. C. Breckinridge, J. B. Wilgus, Wm. C. Goodloe, John Goffe, B. B. Grooms, Joseph T. Tucker, Harrison Cockrill, J. E. McGuire, Wm. Price, E. P. Huntingdon, H. S. Powell, C. S. Martin, H. B. Hampton, T. T. Garrard, J. G. Eve, W. H. Evans, George Little, W. E. Mahan, Charles B. Farris, Wm. Jackson, or such of them as may choose to act, are hereby constituted and appointed commissioners to open books, receive subscriptions to the capital stock of said company at such times and places, and upon such terms and conditions as they, or a majority of them who will act, may deem proper.

§ 3. The capital stock of said company may be any amount (not exceeding ten millions of dollars) necessary for the construction and equipment of said railway, and the same shall be divided into shares of fifty dollars each, and may be subscribed for, purchased, owned, and controlled by individuals in and out of this State, and by counties or cities, and parties in Kentucky and elsewhere.

§ 4. Whenever subscriptions of stock to the amount of or value of one hundred thousand dollars shall have been made to the capital stock of said company, the commissioners shall give at least ten days' notice thereof, in one or more newspapers, published in the city of Louisville or Lexington, or Winchester, and assemble the subscribers at some suitable time and place; and such of them as shall have paid five dollars, in cash, upon each share of stock subscribed by them, respectively, shall proceed to elect from their own number seven directors for said company.

§ 5. That no person shall be elected to the office of president or director for said company, who does not own at least five shares of the capital stock thereof.

§ 6. That the board of directors may elect the president of the company from among their number or from among the other qualified stockholders.

§ 7. That after the organization of the company by the election of a board of directors and president, as hereinbefore provided, the management and control of the property, business, and affairs of said company shall pass to and be committed to said president and directors and to their successors in office.

§ 8. The president and directors of said company may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its proper business and affairs, as they may deem proper, not inconsistent with this act, or with the constitution and laws of the United States and Commonwealth of Kentucky, and alter and amend and repeal the same at will. They may also prescribe therein the number of directors necessary to constitute a quorum for the transaction of business.

§ 9. The president and directors of said company may elect or appoint such officers, agents, and employees as they may deem proper and necessary for the constructing said railway, and for carrying on, managing, and conducting its property, business, and affairs, and remove them at pleasure. They may prescribe the qualifications, powers, and duties of all its officers, agents, and employees, and may require of any or all of them bonds, in such penalties as they may deem proper, to secure the faithful and honest performance of their respective duties; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof; that said president and directors, or a majority of them, may determine, by contract, the pay of such officers, agents, or servants; they shall have power to erect warehouses, eating-houses, rolling-mills, workshops, or other buildings or edifices necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred, and classify the same.

§ 10. The president and directors of the said railway company are hereby invested with all the powers, rights, franchises, and authority requisite, necessary, and desirable to construct a railway with double or single track, and line of telegraph, from such point or points in the city of Winchester, or from any point upon the Elizabethtown, Lexington, and Big Sandy Railway, between said city of Winchester and Schoolsville, in Clark county, Kentucky, as they may select, through the counties of Clark, Powell, Estill, Lee, Jackson, Owsley, Clay, Josh Bell, and such other county or counties as said president and directors may desire, in order to reach the Tennessee line, either at Big Creek Gap, Cumberland Gap, or at any other point they may select.

§ 11. It shall be lawful for the president and directors of said company to keep open the books for subscriptions to the capital stock of said company until the whole of the capital stock is subscribed; and they may receive subscriptions to said capital stock, payable in contracts, to build any part or parts of said road, or any bridge or bridges on the same, said bridges not to obstruct navigation, or to perform any work, or to furnish any materials which may be necessary or desirable for the construction or equipment of said road.

§ 12. It shall be lawful for the president and directors of said company to receive subscriptions to the capital stock of said company, payable in real estate situated in Kentucky; said real estate to be taken at its cash value, to be assessed by three commissioners on oath, of whom two shall be selected by the president and directors of the company, and one by the person proposing to subscribe; upon their report, in writing, describing the land and assessing its cash value, the company may receive the same at its cash value, if such valuation is accepted by the subscriber, and issue a stock certificate, and may take a deed of conveyance in fee simple; and the real estate thus acquired may be held, used, enjoyed, and controlled or sold or conveyed by said company as by a natural person.

§ 13. It shall be lawful for said company to receive, lease, purchase, or otherwise acquire and own, hold, use, possess, enjoy, and control all such real estate and personal property, goods, chattels, and other things, as may be convenient and desirable for constructing, operating, or equipping said railway and its branches, and a line of telegraph along the same, or which may be conveyed to it in payment of any stock subscription, or purchased by it in satisfaction of any debt, judgment or decree, and may grant, bargain, sell, and convey the same as a natural person.

§ 14. Upon application by said company to the court of any county, into or through which it is proposed to construct same railway, such courts shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material required for the site or construction of said road, or whenever the land or material required shall be owned by a person not a resident of said county, or who is a *feme covert* or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court a report in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such land to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff, or other officer, in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court, commencing not less than ten days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time, not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend him, or by the company, the court shall forthwith order a jury to be empanneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners, in estimating the damages to any proprietor of land or material sought to be condemned for said road, shall find for the owner or owners the actual value of the land or other thing proposed to be taken; but in estimating damages, resulting incidentally to the other land or other property of such owners, shall offset the advantages to such residue to be derived from the building and operating of said road by, through, or near such residue: *Provided*, That land condemned for road-way shall not be more than one hundred feet wide, unless said company shall file with the court, at the time of applying for the appointment of commissioners, the affidavit of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

§ 15. Whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property, in order to the construction or repairing of said road, or their necessary works or buildings, the president and directors or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by commissioners appointed as hereinbefore prescribed, and payment or tender of payment of such valuation; and it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment and tender of such valuation, shall not be a bar to actions for taking and using such property, whether begun before or after such confirmation or payment of said valuation.

§ 16. Whenever the said railway company shall request the county court of any county through which it is proposed to construct said railway to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court, a majority of the justices of the county concurring therein, so requested, may order an election to be held at the several voting places in said county, on a day to be fixed by the court, not later than (30) thirty days after the making of such order, and shall appoint judges and other officers necessary to hold said election. That when any county court may order an election in accordance with the provisions of this act, it shall not be competent to order a second election, whether the first election resulted in favor of or against the tax proposed. Nor shall an election for such purpose be held in any county when operatives are at work on said railway within the county where said tax is proposed to be voted.

§ 17. It shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend, or refuse to act, others may be appointed in the same manner as at general elections.

§ 18. The person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the date of such election, the poll-books of their respective precincts, and on the next day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of the legally qualified voters of said county voting, voted in favor of the subscription of stock, as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk on behalf of the county, on the terms specified in the order submitting the question to a vote.

§ 19. Whenever the city council of any city into or near to which it is proposed to construct said railway shall be requested to do so, such city council, a majority concurring, may submit to a vote of the qualified voters of such city, on a day to be designated by such council, not later than thirty days after the application is made to them by said company, the question of subscribing for and on behalf of such city the amount of stock proposed by said company, on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council to enter the vote on its records, and the mayor of such city shall make the subscription in accordance with the vote. The word city is to be construed so as to include any incorporated town, and the words mayor and council are to include the chairman and trustees of any such town: *Provided, however*, That any sub-

scription by the city of Louisville under this act, or to this company, shall be made in conformity to the provisions of the charter of said city.

§ 20. If any county or city shall subscribe to the capital stock of said railway company under the provisions of this act, it shall be the duty of the county court of such county, and the mayor and council of such city, to assess an *ad valorem* tax on the real, personal, and mixed property of every kind and description of the county or city so concurring by a vote of all the qualified voters of said county or city, not exceeding, in the aggregate, three (3) per cent., to be annually assessed in not less than three or more than five years. Each tax-payer shall receive from the collecting officer a certificate of the amount of tax paid by him at the time of payment, which shall be assignable by indorsement thereon; and any certificate or certificates amounting to fifty dollars shall entitle the holder to one share of stock in said railway company, and for each share to one vote in the election of a president and directors of said company.

§ 21. Taxes levied under the authority of this act in any county shall be collected by the sheriff of such county, and taxes levied in any city shall be collected by the officer of such city who is, by law, the collector of taxes levied for the ordinary purposes of such city; but before any sheriff or other officer shall be authorized to collect any such taxes, he shall execute bond, if a sheriff, with such sureties as may be approved by the county court, and if a city officer, with such surety as may be approved by the council or trustees of such city, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

§ 22. The sheriff and other officers having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue, and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same of any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed which shall be in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five (5) years after such sale, by paying the purchase money and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and eight (8) per cent. per annum thereon.

§ 23. Sheriffs or other officers selling real estate for taxes levied under this act shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen (15) years, on paying the purchase money and six (6) per cent. per annum thereon, and other taxes paid by the purchaser, and six (6) per cent. per annum thereon.

§ 24. Sheriffs and other officers collecting taxes levied under this act, shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

§ 25. The tax levied in any one year, when collected by the sheriff or other officer in whose hands the same is placed for collection, shall be paid over to the treasurer of said railway company, within the time prescribed by law for paying over the State revenue; and if any sheriff or other officer, whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required under this act, for thirty days after the tax is levied, the county court or city council may appoint a collector, who shall execute bond with sureties, to be approved by said court or council; and said collector shall have all the powers and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act.

§ 26. If any sheriff or collector, or other officer having in his hand taxes collected under this act, shall fail to pay over the same within the time prescribed, such sheriff or collector, or other officer, shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered on motion, on ten (10) days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

§ 27. Said railway company shall be exempt from taxation until twenty-five miles is in running order and completed, and that it shall never be taxed at a valuation beyond the rate at which other roads are taxed, nor exceeding its actual value.

§ 28. The president and directors of said company may, with the assent of the holders of a majority in value of the stock in said company, sell the said railway, or lease the same; that said company may connect its said road with the railroad of any company in or out of this State, and may lease and operate any railroad connecting with the road or branches of said railway, and it may consolidate with and make running and operating arrangements with any other railroad company upon such terms as may be agreed upon by contracting parties; and it shall be lawful for the franchises and subscriptions of stock granted and subscribed to any other railroad company to be assigned and transferred to the said railway company; and the like powers and privileges are hereby granted to any railroad company with which it may contract.

§ 29. Said railway company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same, and may receive subscriptions, to be paid in land, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscriber, and may lease or sell and convey any lands so given or subscribed.

§ 30. Said railway company (the holders of a majority of the stock therein concurring) may agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall in anywise affect the holders of any mortgage bonds issued by the said railroad company, and may contract with other road companies for the use of their road, or any portion of their road, or may lease to any other road their road, or any portion thereof, or may contract with any other road for using or running their said road, or any portion or section of their said road in connection with any other road.

§ 31. The said railway company may issue and sell the bonds of said company of the denomination of one thousand dollars, to be signed by the president, and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding ten millions of dollars,

bearing not exceeding ten (10) per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within thirty years from this date.

§ 32. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust conveying said railway and its property franchises to a trustee or trustees, and from time to time fill vacancies that may occur, for the use and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

§ 33. If the mortgage or deed of trust authorized by the last preceding section shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the circuit court of Franklin county, where only such proceedings are authorized to be had.

§ 34. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the cities of New York and Frankfort. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

§ 35. To create and secure a fund for the final redemption of mortgage bonds issued under authority of this act, a sinking fund shall be created by said company; and in order to create such sinking fund said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually, in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter, annually, there shall be set aside and pass into said fund a like sum, until a sum is created sufficient to pay the outstanding bonds of the company, which fund shall be held sacred for the redemption of said bonds, and shall be used for no other purpose. That said company may loan and reloan the sums thus set apart, at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes and of creating said fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

§ 36. The holders of mortgage bonds issued under authority of this act may demand, and on such demand shall be entitled to receive, evidences of stock in said railway, in lieu of their bonds, at dollar for dollar, at any time within five years after the completion of said railway.

§ 37. The bonds of the company issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided in whole or in part by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

§ 38. The General Assembly reserves the right, by general laws, to regulate the charges for way and through freight and passengers on this road.

§ 39. This act shall be null and void unless work be commenced within ten years.

§ 40. This act shall be in force from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Talbott and Vories, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	Jesse C. Gilbert,	Alfred T. Pope,
James F. Clay,	H. S. Hale,	A. G. Talbott,
G. W. Connor,	I. L. Hyatt,	W. L. Vories,
W. McKee Fox,	John W. Johnson,	Ben. J. Webb,
W. W. Frazer,	O. D. McManama,	Emery Whitaker—16.
John J. Gatewood,		

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	William Johnson—5.
Robert Boyd,	G. A. C. Holt,	

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to fix the compensation of the county judges of this Commonwealth.

Sundry amendments were proposed to said bill.

Pending the consideration of which, on motion,

Ordered, That said bill and pending amendments be recommitted to the Committee on Courts of Justice.

The Senate took up for consideration a bill, entitled

A bill to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Vories, from the Committee on Finance, to whom had been referred the petition of sundry citizens of Lee county, asking the passage of an act allowing John M. Thomas, late sheriff of Lee

county, further time to pay the revenue of said county for the year 1872, asked to be discharged from the further consideration thereof.

Which was granted.

The Senate took up for consideration the motion heretofore made by Mr. Haggard to reconsider the vote by which they had passed a bill, which originated in the House of Representatives, entitled

An act to amend the charter of the Newport and Dayton Street Railway Company.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be recommitted to the Committee on Railroads.

Mr. Whitaker, from the Committee on Railroads, to whom had been referred the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend an act, entitled "An act to incorporate the Kentucky and Great Eastern Railway Company,"

Reported the same, with the expression of opinion that said amendment should be concurred in.

And the question being taken thereon, it was decided in the affirmative.

The Senate took up for consideration a bill, entitled

A bill to further amend the charter of the Kentucky River Navigation Company.

Ordered, That the further consideration of said bill be postponed till Tuesday next, the 7th inst., at 7½ o'clock, P. M.

Mr. Boyd moved the following resolutions, viz:

WHEREAS, The recent Congress of the United States passed an act increasing the salary of the President of the United States to the sum of fifty thousand dollars per annum, and that of members of Congress to seven thousand five hundred dollars; and said act being retrospective in its operations, provides for the payment of said increased salary to members of Congress for the whole term then about to expire, thereby taking out of the treasury of the United States and appropriating to their own use, in violation of good faith and contrary to the principles of justice and equity, five thousand dollars each: therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the action of the Congress of the United States, in enacting said law, is a flagrant violation of the will of the people, as repeatedly expressed by them in conventions and through the public press—the people being unalterably in favor of retrenchment and reform, and against such reckless and needless expenditure of the public money.

2. That the conduct of the members of Congress who voted for and sanctioned the passage of said act is reprehensible in the highest degree,

and meets with the unqualified disapproval and condemnation of this General Assembly, and should be rebuked by every patriot in the land, irrespective of party.

3. That we commend the course of the members of the Senate and House of Representatives who refused to vote for or sanction such iniquitous legislation.

4. That we condemn in unmeasured terms extravagance and reckless legislation, whether it occurs in the State or National Government, and recommend that those who participate therein should be held to strict accountability.

The rule requiring said resolutions to lie one day on the table being dispensed with, they were ordered to be printed, and made the special order of the day for to-morrow, the 5th inst.

The Senate took up for consideration a bill, entitled

A bill concerning the various charitable institutions in this Commonwealth,

Together with the amendment offered by Mr. Haggard on yesterday as a proviso to the fifteenth section

The question was then taken on the adoption of the amendment proposed by Mr. Haggard, and it was decided in the affirmative.

Mr. Pope then moved to amend said bill as follows, viz:

When the House of Reform for Juvenile delinquents, or any part thereof, is used as a Lunatic Asylum, the Governor shall certify the fact to the Auditor, who shall draw his warrant on the Treasurer of this State in favor of the mayor of the city of Louisville for the amount appropriated by the said city for the benefit of said Institution.

And the question being taken thereon, it was decided in the negative.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	J. B. Haydon,
Robert Boyd,	John J. Gatewood,	John W. Johnson,
James F. Clay,	Jesse C. Gilbert,	O. D. McManama,
G. W. Connor,	D. R. Haggard,	W. H. Sneed,
John E. Cooper,	H. S. Hale,	A. G. Talbott,
William P. Duvall,	Thomas F. Hargis,	W. L. Vories,
W. McKee Fox,	Edwin Hawes,	Emery Whitaker—21.

Those who voted in the negative, were—

R. A. Burton,	I. L. Hyatt,	Alfred T. Pope,
J. H. Dorman,	William Johnson,	Ben. J. Webb—7.
G. A. C. Holt,		

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives, asking that a committee be appointed on the part of the Senate, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to take into consideration the disagreement between the two Houses in relation to an amendment proposed by the House of Representatives to a chapter of the Revised Statutes, title "Courts."

Whereupon Messrs. Whitaker, Sneed, and Gatewood were appointed said committee.

Leave was given to bring in the following bills, viz:

On motion of Mr. Cooper—

1. A bill to amend an act, entitled "An act to incorporate the town of Booneville, in Owsley county."

On motion of Mr. Sneed—

2. A bill to amend the charter of the Farmers' Bank of Kentucky.

On motion of Mr. Talbott—

3. A bill for the location and erection of a State House of Reform in this Commonwealth.

Ordered, That the Committee on Revised Statutes and Codes of Practice prepare and bring in the 1st; a select committee, consisting of Messrs Gilbert, Holt, and Clay, the 2d; and a select committee, consisting of Messrs. Talbott, Whitaker, Vories, Cooper, and Hale, the 3d.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act to prevent the destruction of fish in the Kentucky river and its tributaries," approved March 13th, 1872;

An act to repeal an act, entitled "An act to amend an act, entitled 'An act to charter the Crab Orchard and Crew's Knob Turnpike Company,'" approved March 20th, 1872;

An act to amend the charter of the South Kentucky Railway Company;

An act for the benefit of common school districts Nos. 70 and 73, in Warren county;

An act providing for copying the surveys, plats, and certificates of land in Warren county;

An act to incorporate the Union Agricultural and Mechanical Association, near Fort Jefferson, in Ballard county;

An act to provide for organizing and establishing a system of public schools in Winchester;

And enrolled bills, which originated in the Senate, of the following titles, viz:

An act to change the name of the Trayser Piano-forte Company, of Maysville;

An act to amend the charters of the Jefferson and Brownsboro and Harrod's Creek and Sand Hill Turnpike Road Companies and branches;

An act for the benefit of keepers of licensed stud horses, jacks, and bulls;

An act to amend the charter of the Paducah, Benton, and Murray Gravel Road Company;

An act to repeal section seventeen of an act to incorporate the Chataroi Railway Company, approved March 11th, 1873;

An act for the relief of the sheriff of Trigg county;

An act to prohibit the sale of spirituous, vinous, or malt liquors within two miles of Mercer Station, in Muhlenburg county;

An act for the benefit of the Minerva and Beley's Creek Turnpike Road Company, in Mason county;

An act to amend an act, entitled "An act to incorporate the Fulton County Agricultural Society," approved January 18th, 1867;

An act for the benefit of common school district No. 42, in Allen county;

An act for the benefit of R. L. Ewell, clerk of the Laurel county court;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report.

The Senate took up for consideration chapters 80 and 81, which were adopted without amendment.

The Senate also took up for consideration chapter 75, title "Militia," which was passed over on yesterday, and to-day adopted.

Chapters 82, 84, 85, 86, and 87 were adopted without amendment.

The third section of chapter 83 was amended and then adopted.

And then the Senate adjourned.

SATURDAY, APRIL 5, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to provide a private secretary for the Governor.

An act to amend section 16 of an act to amend an act to incorporate the town of Smith's Grove.

An act to legalize the official actions of William W. White, deputy clerk of the Clay circuit court.

An act to require the clerk of the Wolfe circuit court to index and cross-index certain judgment and order-books in his office.

An act for the protection of counties, cities, &c., subscribing stock in railroads, turnpikes, and other improvements.

An act to increase the jurisdiction of the justices of the peace in Ballard and to regulate appeals from their courts.

An act to incorporate the Sodom Turnpike Road Company, in Scott county.

An act to charter the Owenton and Lexington Railway Company.

An act to amend the charter of the city of Covington.

With amendments to the last two named bills.

Which were taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to prohibit the sale of spirituous, vinous, or malt liquors in Lincoln county, and to take a vote on the same.

2. An act to change the time of holding the circuit, criminal, and chancery courts in the 12th judicial district.

3. An act to incorporate the Oakland Iron Company.

4. An act to re-enact an act, entitled "An act to incorporate the Boyd County Navigation, Manufacturing, and Improvement Company," approved February 18th, 1871.

5. An act to establish a school district from parts of Fayette and Madison counties.

6. An act to incorporate the Immigration Association of Kentucky.

7. An act for the benefit of Thos. H. Curd, Geo. W. Nell, and W. J. Payne.

8. An act for the benefit of Jesse Clark, of Bath county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Religion and Morals; the 2d to the Committee on Courts of Justice; the 3d and 4th to the Committee on Agriculture and Manufactures; the 5th to the Committee on Education; the 6th to the Committee on Immigration and Labor; the 7th to the Committee on Propositions and Grievances, and the 8th to the Committee on the Judiciary.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

State of Kentucky, Executive Department,
Frankfort, April 5, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

Russell B. Wheeler, Jefferson county.
J. M. Womack, Jefferson county.
Charles Eaves, Henderson county, for Muhlenburg, McLean, Hopkins, and Henderson.
Allison H. Kincheloe, Kenton county.
G. W. Hurt, Clinton county, for Clinton, Russell, and Casey counties.
R. H. Cunningham, Henderson county.
Robert Blain, Lincoln county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The following petitions and remonstrance were presented, viz:

By Mr. Gilbert—

1. The petition of F. Hummel and others, praying the repeal of an act passed at the present session in relation to the German Lutheran Evangelical St. Paul's Church at Paducah.

By Mr. Boyd—

2. The petition of sundry citizens of Rockcastle county, praying the passage of an amendment to the prohibitory liquor law of said county.

By same—

3. The remonstrance of sundry other citizens of said county, against the same.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Courts of Justice, and the 2d and 3d to the Committee on Religion and Morals.

Mr. Barlow, from the Committee on Claims, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Thomas M. Purnell,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

Whereas, Thomas M. Purnell, a constable in the Millersburg precinct, of Bourbon county, acting under an order of A. J. Booth, sheriff of said county, did, in the month of October, 1870, summon a posse of men to quell a riot then proceeding in said district, between a number of Irishmen on one side and negroes on the other, and expended and paid out the sum of $120 60 to men summoned by him on that occasion, and who served as such; and said claim has been allowed by the Bourbon Circuit Court; and the Auditor doubting his authority to pay the same in the form presented, therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be directed to issue his warrant upon the Treasurer in favor of Thos. M. Purnell for the sum of $120 60, being the amount expended and paid out under order of A. J. Booth, sheriff of Bourbon county, to quell a riot existing in said county aforesaid.

§ 2. This act shall take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	G. A. C. Holt,
R. A. Burton,	W. W. Frazer,	John W. Johnson,
James B. Casey,	John J. Gatewood,	Wm. Johnson,
James F. Clay,	Jesse C. Gilbert,	A. L. Martin,
G. W. Connor,	D. R. Haggard,	Alfred T. Pope,
John E. Cooper,	H. S. Hale,	W. L. Vories,
F. W. Darby,	Thomas F. Hargis,	Ben. J. Webb,
J. H. Dorman,	J. B. Haydon,	Emery Whitaker—24.

In the negative, Edwin Hawes—1.

Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

1. An act to incorporate the Mount Sterling and Carter County Mining and Manufacturing Company.

By Mr. Talbott, from the Committee on Charitable Institutions—

2. An act to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum."

By Mr. Webb, from the Committee on Agriculture and Manufactures—

3. An act for the protection of bee-keepers in this Commonwealth.

With an amendment to the last named bill.

Which was adopted.

Ordered, That the 2d be placed in the orders of the day, and the others, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate, according to order, took up for consideration the resolutions offered by Mr. Boyd on yesterday, entitled

Resolutions in relation to the action of members of Congress in voting for an increase of the salary of the President of the United States and of their own pay.

Said resolutions read as follows, viz:

WHEREAS, The recent Congress of the United States passed an act increasing the salary of the President of the United States to the sum of fifty thousand dollars per annum, and that of members of Congress to seven thousand five hundred dollars; and said act being retrospective in its operations, provides for the payment of said increased salary to mem-

bers of Congress for the whole term then about to expire, thereby taking out of the treasury of the United States and appropriating to their own use, in violation of good faith and contrary to the principles of justice and equity, five thousand dollars each: therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the action of the Congress of the United States, in enacting said law, is a flagrant violation of the will of the people, as repeatedly expressed by them in conventions and through the public press—the people being unalterably in favor of retrenchment and reform, and against such reckless and needless expenditure of the public money.

2. That the conduct of the members of Congress who voted for and sanctioned the passage of said act is reprehensible in the highest degree, and meets with the unqualified disapproval and condemnation of this General Assembly, and should be rebuked by every patriot in the land, irrespective of party.

3. That we commend the course of the members of the Senate and House of Representatives who refused to vote for or sanction such iniquitous legislation.

4. That we condemn in unmeasured terms extravagance and reckless legislation, whether it occurs in the State or National Government, and recommend that those who participate therein should be held to strict accountability.

Mr. Pope moved to amend said resolutions by inserting after the word "act," in the 2d line of the 2d resolution, the following: "and of the President who signed the same."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Martin and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	William Johnson,
Robert Boyd,	John J. Gatewood,	A. L. Martin,
R. A. Burton,	D. R. Haggard,	A. L. McAfee,
James B. Casey,	H. S. Hale,	O. D. McManama,
James F. Clay,	Thomas F. Hargis,	Alfred T. Pope,
G. W. Connor,	Edwin Hawes,	A. G. Talbott,
F. W. Darby,	J. B. Haydon,	W. L. Vories,
J. H. Dorman,	G. A. C. Holt,	Emery Whitaker—26.
William P. Duvall,	John W. Johnson,	

Those who voted in the negative, were—

W. W. Frazer, Ben. J. Webb—2.

Mr. Martin moved to commit said resolutions to the Committee on Federal Relations.

And the question being taken on the adoption of said motion, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Boyd and Martin, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
James B. Casey,	John J. Gatewood,	A L. McAfee,
James F. Clay,	Jesse C. Gilbert,	O. D. McManama,
G. W. Connor,	D. R. Haggard,	A. G. Talbott,
F. W. Darby,	H. S. Hale,	W. L. Vories,
William P. Duvall,	John W. Johnson,	Ben. J. Webb,
W. McKee Fox,	Wm. Johnson,	Emery Whitaker—21.

Those who voted in the negative, were—

Robert Boyd,	J. H. Dorman,	J. B. Haydon,
R. A. Burton,	Thomas F. Hargis,	G. A. C. Holt,
John E. Cooper,	Edwin Hawes,	Alfred T. Pope—9.

Mr. Talbott was excused from further service on the Committee on Federal Relations, and Mr. Martin was added to the same committee.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Whitaker, from the Committee on Banks and Insurance—

A bill to amend an act, entitled "An act to incorporate the Deposit Bank of Henderson."

By Mr. Whitaker, from the Committee on Courts of Justice—

A bill for the benefit of the Tuckahoe Ridge Turnpike Road Company, in Mason county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On motion of Mr. Hale—

1. A bill to provide for the transfer of certain cases from the Graves circuit court to the McCracken court of common pleas.

On motion of Mr. Gilbert—

2. A bill to repeal an act for the benefit of the German Evangelical Saint Paul Church, of Paducah, approved February 6th, 1873.

On motion of Mr. Connor—

3. A bill to incorporate the Mt. Sterling Hotel Company.

On motion of Mr. Pope—

4. A bill to incorporate the Central Club.

On motion of Mr. Casey—

5. A bill for the benefit of the city of Covington.

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st and 2d; the Committee on Agriculture and Manufactures the 3d and 4th, and the Committee on Finance the 5th.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the St. Bernard Transportation Company;

An act to incorporate the Exchange Bank of Sharpsburg;

An act to amend an act, entitled "An act to incorporate the Clay Fire and Marine Insurance Company of Newport," approved March 10th, 1856;

An act to facilitate the collection of delinquent taxes in Owen county;

An act to incorporate the Williamsburg Geological and Mining Company;

An act for the benefit of Martha A. Hightower, a pauper lunatic;

An act for the benefit of Sallie Sanders;

An act for the benefit of Mildred A. Broadus, a pauper idiot, of Lincoln county;

An act for the benefit of W. R. Stringer, of Livingston county;

An act for the benefit of John Pinkerton, of Carter county;

An act for the benefit of Mrs. Elizabeth J. Spradlin, of Floyd county;

An act to amend an act, entitled "An act to incorporate the Mount Sterling Water-works Company;"

An act to amend the charter of the South Kentucky Fair Ground Association;

An act to amend the charter of the Webster Coal Company, approved March 9th, 1867, and amendment thereto, approved March 20th, 1871;

An act to establish a colored free school at Bowling Green;

And enrolled bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Dallasburg Cemetery Company;

An act to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872;

An act for the benefit of the Big Sandy Telegraph Company;

An act for the benefit of common school district No. 1, in Allen county;

An act to incorporate the Owenton and Sparta Telegraph Company;

An act to incorporate the Rockcastle Railway Company;

An act to amend an act, entitled "An act to incorporate the Kentucky and Great Eastern Railway Company;"

An act for the benefit of the administrator of Asa Gilbert, late sheriff of Clay county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to further amend the charter of the Christian County Bank.

An act for the benefit of R. L. Ewell, clerk of the Laurel county court.

An act for the benefit of the Minerva and Beley's Creek Turnpike Road Company, in Mason county.

An act for the benefit of common school district No. 42, in Allen county.

An act to amend an act, entitled "An act to incorporate the Fulton County Agricultural Society," approved January 18th, 1867.

An act to prohibit the sale of spirituous, vinous, or malt liquors within two miles of Mercer Station, in Muhlenburg county.

An act to change the name of the Trayser Piano-forte Company, of Maysville.

An act for the relief of the sheriff of Trigg county.

An act to amend the charters of the Jefferson and Brownsboro and Harrod's Creek and Sand Hill Turnpike Road Companies and branches.

An act to amend the charter of the Paducah, Benton, and Murray Gravel Road Company.

The following message was received from the House of Representatives, viz:

The House has adopted so much of the report from the Senate, of their action upon the proposed Revision of the Statutes, as is embraced in chapter 30, title "Crimes and Punishments," with the following amendments, viz:

1st. Amend section 3 of article 3, by adding thereto these words: "But the Governor shall have the power, in his discretion, to commute the sentence of death, in cases of persons convicted of murder, to confinement in the Penitentiary during the life of the person so convicted."

2d. Amend section 3 of article 4, by adding thereto these words: "Or with confinement in the Penitentiary for life, in the discretion of a jury."

3d. Amend section 13 of article 4, by striking out the words, "confinement in the Penitentiary for not less than two nor more than six years," and inserting in lieu thereof the words, "confinement in the Penitentiary for life."

4th. Amend section 4 of article 7, by adding thereto these words: "Or confinement in the Penitentiary for life, at the discretion of the jury."

5th. Amend section 6 of article 7, by striking out the word "fourth," in line 3, and inserting in lieu thereof the word "fifth."

6th. Amend same section by inserting after the word "death," in line 2, the words, "or confinement in the Penitentiary for life, in the discretion of the jury: *Provided*, If the party committing such offense is, at the time, a convict in said Penitentiary, his confinement shall be solitary."

7th. Amend section 4 of same article, in line 8, by striking out, after the word "for," the word "life," and by inserting in lieu thereof the words, "not less than ten nor more than twenty years."

8th. Amend section 1 of article 11, by striking out the word "ten," wherever it occurs therein, and inserting the word "four."

9th. Amend section 2 of same article, by striking out the word "five" and inserting in lieu thereof the word "two."

10th. Amend section 4 of same article, by striking out the word "ten" and inserting in lieu thereof the word "four."

11th. Amend section 5 of same article, by striking out the word "ten" and inserting in lieu thereof the word "four."

12th. Amend section 2 of article 13, by inserting in line 1, after the word "pretense," the word "statement," and also by inserting in line 3, after the word "pretense," the word "statement."

13th. Amend section 17 of article 17, by adding thereto the following words: "Or if he shall use such horse, jack, or bull, in covering, within view of any private residence, school-house, or seminary, he shall be fined not less than ten dollars nor more than fifty dollars."

14th. Amend section 26 of same article, by striking out the words "thirty days" and inserting in lieu thereof the words "six months."

15th. Strike out section 3 of article 18, and insert in lieu thereof the following: "Section 3. If a person bring into this State any of the cattle known as Texas cattle, he shall be fined not less than five hundred nor more than five thousand dollars; but if such cattle be brought into this State in the months of December, January, February, or March, the person so doing shall not incur the penalty aforesaid, if it is shown that disease was not spread thereby among the cattle of another person."

16th. Amend section 5 of article 18, by striking out, in line 2, the word "jenny" and inserting in lieu thereof the word "jennet."

17th. Amend section 1 of article 29, by striking out the words "that" and "their," in line 1, and inserting in lieu of the word "their" the word "his."

18th. Amend article 29, by adding thereto the following additional section: "Section 5. Carrying concealed deadly weapons shall be lawful in the following cases: 1st. Where the person has reasonable grounds to believe his person, or the person of some of his family, or his property, is in danger from violence or crime; 2d. By sheriffs, constables, marshals, and policemen, when necessary for their protection in the discharge of their duties; 3d. During the night-time, when the business or occupation of the person requires that he should go abroad from his home."

The Senate then took up for consideration the 1st amendment, as proposed by the House of Representatives.

And the question being taken thereon, it was decided in the negative.

The 2d amendment was concurred in.

The 3d amendment was disagreed to, as was also the 4th and 5th.

The Senate concurred in the 6th, except the proviso.

The 7th, 8th, 9th, 10th, 11th, 12th, 13th, and 14th proposed amendments were concurred in.

The 15th amendment reads as follows, viz:

Strike out section 3 of article 18, and insert in lieu thereof the following: "Section 3. If a person bring into this State any of the cattle known as Texas cattle, he shall be fined not less than five hundred nor more than five thousand dollars; but if such cattle be brought into this State in the months of December, January, February, or March, the person so doing shall not incur the penalty aforesaid, if it is shown that disease was not spread thereby among the cattle of another person."

Mr. McManama moved to amend said amendment as follows, viz:

Amend by striking out so much of the House amendment as relates to fine, and in lieu of fine insert "shall, upon conviction, be confined in the Penitentiary for a period of not less than one nor more than two years."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McManama and Martin, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. G. Talbott,
R. A. Burton,	John J. Gatewood,	W. L. Vories,
James B. Casey,	A. L. Martin,	Emery Whitaker—11.
John E. Cooper,	O. D. McManama,	

Those who voted in the negative, were—

James F. Clay,	D. R. Haggard,	G. A. C. Holt,
G. W. Connor,	H. S. Hale,	John W. Johnson,
J. H. Dorman,	Thomas F. Hargis,	Wm. Johnson,

William P. Duvall, Edwin Hawes, Alfred T. Pope,
Jesse C. Gilbert, J. B. Haydon, Ben. J. Webb—15.

The amendment proposed by the House (15) was disagreed to.

The 16th and 17th amendments were then concurred in, and the 18th was disagreed to.

The following message was also received from the House of Representatives, viz:

The House of Representatives insist upon their amendments, the 1st, 2d, and 3d, to chapter 55, title "Inclosures and Certain Trespasses."

Resolved, That the Senate recede from their disagreement to the 1st and 2d, and insist upon their disagreement to the 3d proposed amendment.

Resolved, That the Senate recede from their disagreement to the proposed amendments of the House to chapter 60, title "Interest and Usury."

And then the Senate adjourned.

MONDAY, APRIL 7, 1873.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act for the benefit of Charles K. Oldham, sheriff of Madison county.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the town of Hanson, in Hopkins county.

An act to protect the owners of breeding and training farms and stables.

An act to amend the charter of the Winchester Cemetery Company.

An act to amend an act, entitled "An act to amend the charter of the Big Sandy Valley Railroad Company."

An act to authorize the appointment of an additional examiner to take depositions in and for Floyd county.

An act to amend an act incorporating the Concord and Tollsboro Turnpike Road Company.

An act for the benefit of the Iron Works Turnpike Road Company.

An act for the benefit of school district No. 62, in Shelby county.

An act to amend the original and amended acts incorporating the town of Earlington.

An act to provide for organizing and establishing a system of public schools in Winchester.

An act to incorporate the Union Agricultural and Mechanical Association, near Fort Jefferson, in Ballard county.

An act for the benefit of common school districts Nos. 70 and 73, in Warren county.

An act providing for copying the surveys, plats, and certificates of land in Warren county.

An act to amend an act, entitled "An act to prevent the destruction of fish in the Kentucky river and its tributaries," approved March 13th, 1872.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to repeal an act, entitled "An act for the benefit of the German Evangelical St. Paul Church of Paducah," and to revive the act approved 26th January, 1869, named therein.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to incorporate the Pickett Tobacco Warehouse Company.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to amend the charter of, and to authorize the city of, Mayfield to subscribe for stock in the Cairo and Tennessee River Railroad Company.

By same—

A bill to provide for the transfer of certain causes from the Graves circui court to the McCracken court of common pleas.

By Mr. Holt, from the Committee on Courts of Justice—

A bill to incorporate the Nicholasville Building and Accumulating Fund Association.

By Mr. Sneed, from the Committee on Finance—

A bill for the benefit of Thomas D. Grundy, sheriff of McCracken county.

By Mr. Conklin, from the Committee on Revised Statutes and Codes of Practice—

A bill to amend an act, entitled "An act to amend the charter of the Elizabethtown and Paducah Railroad Company," approved February 28th, 1873.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

A bill to amend the charter of the town of Nicholasville.

By same—

A bill to incorporate the Mt. Sterling Hotel Company.

By Mr. Sneed, from a select committee—

A bill to amend the charter of the Farmers' Bank of Kentucky.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

A bill to amend an act, entitled "An act to incorporate the town of Booneville, in Owsley county," approved March 1st, 1847.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Rothrock Coal and Mining Company, of Carter county.

By same—

An act to incorporate the Maysville Chair Company.

By same—

An act to incorporate the Oakland Iron Company.

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of J. B. Evans, of Monroe county.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to incorporate the town of Pryorsburg, in Graves county.

By same—

An act to incorporate the town of Peak's Mill, in Franklin county.

By same—

An act providing for transcribing the plats, surveys, and certificates of land lying in Magoffin county.

By Mr. Gatewood, from the Committee on Education—

An act to establish a school district from parts of Fayette and Madison counties.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to amend an act, entitled "An act to incorporate the Vanceburg, Quick's Run, and Concord Turnpike Road Company," approved December 17th, 1867.

By same—

An act amending an act, entitled "An act to incorporate the Vanceburg, Quincy, and Springville Turnpike Road Company," approved February 18th, 1869.

By same—

An act to incorporate the Louisville and Highland Turnpike Company, in Jefferson county.

By same—

An act to incorporate the Hillsboro and Plummer's Landing Turnpike Company.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to suppress the selling or giving to minors spirituous, vinous, or malt liquors in the city of Covington.

By Mr. Clay, from the Committee on the Judiciary—

An act to define and enlarge the boundaries of the town of Ashland.

By same—

An act to amend an act, entitled "An act to amend and reduce into one the several acts in regard to the town of Columbia."

By Mr. Connor, from the Committee on Agriculture and Manufactures—

An act to incorporate the Eastern Kentucky Coal, Iron, Lumber, Land, and Manufacturing Company.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act for the benefit of Montgomery, Clark, and Bath counties.

With amendments to the last two named bills.

Which were adopted.

Ordered, That said bills, the last two as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid, except that of the last, which is changed so as to read,

An act authorizing the counties of Montgomery, Clark, and Bath to sell a part or all of the stock owned by such counties, or either of them.

Mr. Hargis was excused from further service on the Joint Committee on the Revision of the Statutes, and Mr. Conklin was added to said committee in his stead.

Mr. Hargis moved to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act to incorporate the Mount Sterling and Carter County Mining and Manufacturing Company.

Which motion was adopted.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, was dispensed with.

Ordered, That said bill be placed in the orders of the day.

Mr. McManama, from the Joint Committee on the Revision of the Statutes, made an additional report, viz: chapters 88, 89, and 91.

The 88th chapter was amended and adopted.

The 89th chapter was adopted.

The 15th line of section 1 of chapter 91, reads as follows, viz:

Adjutant General twelve hundred dollars, as reported by the committee.

The question was then taken on the adoption of the amendment proposed by the committee, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Holt and McAfee, were as follows, viz:

Those who voted in the affirmative, were—

James B. Casey,	A. L. Martin,	O. D. McManama,
W. McKee Fox,	A L. McAfee,	Ben. J. Webb—7.
G. A. C. Holt,		

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	Edwin Hawes,
Wm. L. Conklin,	John J. Gatewood,	J. B. Haydon,
John E. Cooper,	Jesse C. Gilbert,	John W. Johnson,
F. W. Darby,	D. R. Haggard,	Wm. Johnson,
J. H. Dorman,	H. S. Hale,	W. H. Sneed,
William P. Duvall,	Thomas F. Hargis,	Emery Whitaker—18.

The blank was then filled with "five hundred."

Mr. Whitaker then moved to strike out the 18th line, which is as follows, viz:

Second clerk of Quarter-Master General, one thousand dollars.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Whitaker and Martin, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	G. A. C. Holt,
R. A. Burton,	Edwin Hawes,	O. D. McManama,
Wm. L. Conklin,	J. B. Haydon,	Emery Whitaker—10.
G. W. Connor,		

Those who voted in the negative, were—

James B. Casey,	W. W. Frazer,	William Johnson,
John E. Cooper,	John J. Gatewood,	A. L. Martin,
F. W. Darby,	D. R. Haggard,	A. L. McAfee,
J. H. Dorman,	Thomas F. Hargis,	W. H. Sneed,
William P. Duvall,	John W. Johnson,	Ben. J. Webb—15.

The 28th and 29th lines of said chapter read as follows, viz:

The judge of the court of common pleas for the county of Warren, amount to be paid at the Treasury, seven hundred and fifty dollars.

Mr. Gatewood moved to strike out the words "seven hundred and fifty," and insert in lieu thereof "fifteen hundred."

Which was adopted.

The 91st chapter, as amended, was then adopted.

The following message was received from the House of Representatives, viz:

The House of Representatives have adopted, *without amendment*, so much of the action of the Senate, as reported to the House, in regard to the proposed Revision of the Statutes, as is embraced in

Chapter 63, title "Lands."
Chapter 64, title "Lands, Processioning of."
Chapter 65, title "Lands West of the Tennessee River."
Chapter 67, title "Legislature."
Chapter 68, title "Landlord and Tenant."
Chapter 69, title "Liens in favor of Mechanics, Laborers, and Material Men."

1st. The House has also adopted chapter 62, title "Juries, Grand and Petit," with the following amendments thereto, viz: Add to section 3 of article 2 these words: "Persons who have served upon the grand or petit jury one term of the court, shall not be compelled to serve on the grand jury at the succeeding term of the court."

The House has also adopted chapter 66, title "Laws" of said report, with the following amendments thereto, viz:

2d. Insert after section 2, and to be numbered section 3, the following words: "An act of Assembly shall take effect two months from and after the time it shall be approved by the Governor, or if it be passed against his objections, from the period of such passage, unless a different time be fixed by the act;" and *renumber* the sections as required by the insertion.

3d. Amend section 6 (as at present numbered), in 3d line, after the word "Assembly," by adding the words "which passed such acts."

4th. Amend same section, in line 5, by adding after the word "peace" the words "the sheriff of each county."

They have also adopted of said report chapter 70, title "Limitation of Actions," with the following amendment, viz:

5th. Insert after the words "subsisting trust," in line 2, section 20, article 4, these words, "cognizable exclusively in equity."

The 1st amendment proposed by the House of Representatives was disagreed to; the 2d, 3d, and 4th amendments were concurred in, and the 5th disagreed to.

And then the Senate adjourned.

TUESDAY, APRIL 8, 1873.

Hon. John G. Carlisle appeared and took the Chair.

A message was received from the House of Representatives, announcing that they had disagreed to the passage of a bill, which originated in the Senate, entitled

A bill for the benefit of licensed tavern-keepers.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to prevent cattle, horses, sheep, mules, and jennets from running loose on the public highways within a radius of two miles of the Dry Ridge, in Grant county.

An act to authorize Mary Boyd to erect cattle-stops across John's creek, in Pike county.

An act to incorporate the Woolen Manufacturing Company.

An act to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9th, 1868.

An act for the benefit of Browder Institute, in Logan county.

An act to amend the charter of, and to authorize the city of, Mayfield to subscribe for stock in the Cairo and Tennessee River Railroad Company.

An act to amend the charter of the Farmers' Bank of Kentucky.

An act to incorporate the Oakland Cemetery.

An act to incorporate the Christian Church of Warsaw.

An act in relation to the fees of officers in certain cases.

An act to change the time of holding the Grant county quarterly courts.

An act for the benefit of common school district No. 1, Lawrence county.

With amendments to the last two named bills.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of Henry H. Moody, of Green county.

2. An act to authorize the holding of special chancery courts in the county of Rockcastle.

3. An act to limit the jurisdiction of the police judge of the town of Dixon, in Webster county.

4. An act to amend an act, entitled "An act giving the trustees of the common school district in Catlettsburg the right to levy a tax for two years to build a school-house in said district," approved March 5th, 1872, and to establish and maintain public schools in the town of Catlettsburg.

5. An act to incorporate the Henderson Water-works Company.

6. An act for the benefit of common school district No. 1, in the county of Jessamine.

7. An act for the benefit of Bethel Academy, in the county of Jessamine.

8. An act to amend the charter of the city of Covington.

9. An act to provide for the construction and completion of turnpike roads in Scott county.

10. An act to amend an act, entitled "An act to establish and maintain a system of public schools in the town of Corydon, in Henderson county."

11. An act to exempt certain lands within the corporate limits of the town of Greenup from municipal taxation.

12. An act for the benefit of Jos. W. Winlock.

13. An act to authorize a vote upon the sale of liquor in Highland, Lincoln county.

14. An act to amend the charter of the town of Prestonville, in Carroll county.

15. An act to resubmit an act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof, approved February 28th, 1872.

16. An act to amend an act to pay military claims audited by the Quarter-Master General.

17. An act to incorporate the North Kentucky Bridge Connecting Railway and Construction Company.

18. An act to incorporate the Transit Railway Company.

19. An act amending an act approved January 24th, 1871, entitled "An act to amend and reduce into one the several acts in relation to the road laws of Greenup county."

20. An act to amend and reduce into one the several acts relating to Stanford Female College.

21. An act to provide for notice before toll-gates on turnpike roads shall be thrown open.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 5th, 8th, and 14th to the Committee on Revised Statutes and Codes of Practice; the 2d and 12th to the Committee on Courts of Justice; the 3d and 11th to the Committee on the Judiciary; the 4th, 6th, 7th, 10th, and 20th to the Committee on Education; the 9th, 19th, and 21st to the Committee on Internal Improvement; the 13th and 15th to the Committee on Religion and Morals; the 16th to the Committee on Military Affairs; the 17th to the Committee on Agriculture and Manufactures, and the 18th to the Committee on Railroads.

Mr. Whitaker, from the Committee on Courts of Justice, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to increase the civil jurisdiction of the quarterly and justices' courts of Barren county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the Committee on Courts of Justice, to whom they had been referred, viz:

By Mr. Gilbert—

An act to prohibit partnerships to practice law between circuit, chancery, and criminal court clerks and county court clerks.

By Mr. Whitaker—

An act for the benefit of Wm. Crook's heirs.

By Mr. McManama—

An act to incorporate the town of Hickory Grove, in Graves county.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Whitaker, from the Committee on Courts of Justice—

A bill to authorize the making of an abstract book for the counties of Kenton, Campbell, and Boone.

By Mr. Conklin, from the Committee on Revised Statutes and Codes of Practice—

A bill to amend section fourteen of article five of the charter of the city of Hopkinsvile, passed March 5th, 1870.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum."

Ordered, That the further consideration of said bill be postponed to, and made the special order of the day for, to-morrow.

The Senate took up for consideration a bill, entitled

A bill to provide for the registration of bonds and obligations issued by counties, districts, municipal corporations, and other corporations.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the motion heretofore made by Mr. J. W. Johnson to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act to authorize the circuit court clerk of Butler county to make a general cross-index.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the negative.

So said bill was disagreed to.

Mr. Conklin, from the Committee on Revised Statutes and Codes of Practice, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to incorporate the Henderson Water-works Company,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Clay, leave was given to bring in a bill, entitled

A bill to incorporate the Henderson Building and Loan Association.

Ordered, That the Committee on Agriculture and Manufactures prepare and bring in the same.

Mr. McManama, from the Committee on Courts of Justice, reported a bill, entitled

A bill to establish a criminal court in the 11th judicial district.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established a court of justice in and for the eleventh judicial district in this Commonwealth, which shall be known as the criminal court for the eleventh judicial district, to be a court of record, held by a single judge, who shall have the same qualifications and receive the same salary as the circuit judges of this Commonwealth, which shall be paid him from the State Treasury in like manner. He shall be a conservator of the peace, and have and exercise all the powers of a circuit judge in criminal and penal cases, issuing and receiving the returns, and hearing writs of *habeas corpus;* be commissioned and sworn as circuit judges are, and be subject to impeachment and removal in like manner and for like causes.

§ 2. The judge shall be elected on the first Monday in August, in 1873, and continue in office six years. Vacancies shall be filled in the office of said judge as is provided for circuit courts, and the same practice and same fees, as far as applicable, shall prevail in said court as in circuit courts, and said court shall have a seal bearing its name and the arms of the Commonwealth.

§ 3. The sheriffs, jailers, coroners, and other ministerial officers of said district, shall perform all the duties in all causes and proceedings in said court, which would otherwise devolve upon them in the circuit court, and they shall be entitled to the same fees therefor, and they and their sureties shall be responsible, on their official bonds, for their acts in said court. The clerks of the circuit courts, in the several counties in said district, shall perform the clerical duties of said court, and shall style themselves clerk of the criminal court for the county in which each of them may be circuit court clerk, and shall be allowed the same fees as they are entitled to for similar services in the circuit court, and shall be, with their sureties, responsible on their bonds for the faithful discharge of their duties herein. Immediately after the first day of August, 1873, said clerks shall, without fee, transfer all criminal and penal causes from the dockets of the circuit courts to the docket of the criminal court in each county, which causes shall thereafter be disposed of in the criminal court, and said circuit court shall no longer take cognizance of any criminal or penal causes, or plea of the Commonwealth in said district.

§ 4. The said criminal court shall have all the jurisdiction in criminal and penal causes and proceedings which the circuit courts have, and

which may be conferred upon said courts; and it shall take the place of the circuit courts, in the counties of said district, in such jurisdiction; and it shall also have concurrent jurisdiction with the circuit courts in inquests of lunacy and idiocy, and exclusive of the circuit court in allowing claims connected with the business of said criminal court.

§ 5. The said court may extend any of its terms, if the business shall require it, by making an order to that effect on the record, at a regular term while in session, provided said extension may not interfere with the regular terms in another county, or with the circuit court term in the county in which the said extension is proposed to be made. And the court or judge may appoint special terms, for any business of the court, in the same manner that circuit courts or judges may appoint special terms of such courts. The said criminal court shall have full power to make all proper rules and regulations to facilitate its business, not inconsistent with the Constitution and laws of this State; and its judgments and final orders shall be subject to appeal in like manner as those of circuit courts; and it shall have full power to attach for and punish contempts of its authority.

§ 6. In the selection and summoning jurors in the trial by jury, and payment of juries in said court, the same shall be governed by the laws in force at the date applicable to circuit courts. The circuit courts in said district, at the term in each county next preceding the time that this act takes effect, shall cause jurors to be selected in the manner required by law, for the first term of the criminal court in such county, and make all bail bonds and recognizances, taken at such term of the circuit court, returnable for the appearance of the party bound to appear at such first term of the criminal court. And all magistrates and examining courts in each county shall, after this act takes effect, make all bail and peace bonds and recognizances returnable to the criminal court for such county.

§ 7. Special judges for said criminal court may be elected for the same causes and in the same manner as the circuit courts, and the provisions of the law in relation to record books, presses, seals, stationery, and other expenses in circuit courts, shall be applicable to this court.

§ 8. Said court shall have power to allow and certify to the Auditor of State all claims against the Treasury of this State, connected with said court.

§ 9. The Commonwealth's Attorney for said district shall attend each term of said court, and represent the Commonwealth, and discharge all the duties, and be entitled to the same compensation as provided by law for attending circuit courts.

§ 10. The regular terms of said court shall be held as follows: In the county of Boone, commencing on the third Monday in February and August; in the county of Owen, on the first Monday in March and September; in the county of Grant, on the third Monday in March and September; in the county of Trimble, on the first Monday in April and October; in the county of Gallatin, on the third Monday in April and October; in the county of Henry, on the first Monday in May and November; in the county of Carroll, on the third Monday in May and November; in the county of Franklin, on the first Monday in June and December; and each term in each of said counties shall continue twelve juridical days, if the business of the court shall require it.

§ 11. This act shall take effect from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The hour for the special order having arrived, the further action thereon was cut off.

The Senate took up for consideration a bill, entitled

A bill to amend an act to incorporate the Licking River Lumber and Mining Company.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of section (2) two of an act, entitled "An act to incorporate the Licking River Lumber and Mining Company," as authorizes said company to float and drive, without let or hindrance, down said river, logs, wood, and other lumber, loose and not rafted, or that permits said company to enter upon and occupy the lands of others, without the consent of the owner, is hereby repealed.

§ 2. That said company shall, hereafter, raft their logs, wood, or other lumber on said river, and shall not have the privilege of floating or driving the same loose down said river.

§ 3. For a violation of this act, all parties engaged in such violation shall be fined not less than fifty dollars for each offense, upon indictment before a grand jury.

§ 4. This act shall take effect the 1st day of September, 1873.

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and McManama, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	F. W. Darby,	D. R. Haggard,
Wm. L. Conklin,	J. H. Dorman,	Thomas F. Hargis,
G. W. Connor,	William P. Duvall,	I. L. Hyatt,
John E. Cooper,	W. W. Frazer,	Emery Whitaker—12.

Those who voted in the negative, were—

R. A. Burton,	Jesse C. Gilbert,	O. D. McManama,
E. P. Campbell,	Edwin Hawes,	W. H. Sneed,
James B. Casey,	J. B. Haydon,	A. G. Talbott,
James F. Clay,	John W. Johnson,	Ben. J. Webb,
W. McKee Fox,	William Johnson,	Thos. Wrightson—17.
John J. Gatewood,	A. L. Martin,	

So said bill was rejected.

Mr. McManama then moved to reconsider the vote by which the Senate had rejected said bill.

Which motion was simply entered.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of school district No. 28, of Clinton county;

An act to amend the charter of the Eastern Kentucky Railway Company;

An act to further define the duties of Commonwealth and county attorneys;

An act to prohibit and punish persons guilty of intimidating voters;

An act for the benefit of Charles K. Oldham, sheriff of Madison county;

An act to suppress the selling or giving to minors spirituous, vinous, or malt liquors in the city of Covington;

An act to prohibit the sale of spirituous or intoxicating liquors at Cropper's Depot, in Shelby county;

And enrolled bills, which originated in the Senate, of the following titles, viz:

An act to provide a private secretary for the Governor;

An act to amend section 16 of an act to amend an act to incorporate the town of Smith's Grove;

An act to legalize the official actions of William W. White, deputy clerk of the Clay circuit court;

An act to require the clerk of the Wolfe circuit court to index and cross-index certain judgment and order-books in his office;

An act to provide for the leasing of the interest of the State in the Louisville and Nashville Turnpike Company on the north side of Barren river, in the county of Warren;

An act to amend chapter 28 of the Revised Statutes, title "Crimes and Punishments;"

An act for the protection of counties, cities, &c., subscribing stock in railroads, turnpikes, and other improvements;

An act to increase the jurisdiction of the justices of the peace in Ballard county, and to regulate appeals from their courts;

An act to amend an act, entitled "An act to incorporate the Central West Kentucky Agricultural and Mechanical Association, in Graves county," approved February 25th, 1860;

An act to repeal an act, entitled "An act for the benefit of the German Evangelical St. Paul Church, of Paducah," and to revive the act approved 26th January, 1869, named therein;

An act to amend the charter of the city of Covington;

An act to prevent live stock of all kinds from running at large in Mason and Fleming counties;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

And then the Senate adjourned.

WEDNESDAY, APRIL 9, 1873.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act for the benefit of S. W. Thompson and his sureties, late clerk of the Scott circuit court."

Title changed to make it "county court."

An act for the benefit of R. T. McGlauling.

An act to incorporate the Eastern Kentucky Coal, Iron, Lumber, Land, and Manufacturing Company.

An act to incorporate the American Industrial College.

An act for the benefit of Montgomery, Clark, and Bath counties.

Title changed, viz:

An act authorizing the counties of Montgomory, Clark, and Bath to sell a part or all of the stock owned by such counties, or either of them.

An act affixing penalties and forfeitures upon corporations and persons exercising corporate powers that are required to give bonds, and have failed to do so.

An act to provide for the payment of conveying prisoners to the House of Reform.

An act for the protection of bee-keepers in this Commonwealth.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Ohio and Red River Packet Company.

An act for the benefit of married women in this Commonwealth.

An act to incorporate the Grand Division of Sons of Temperance.

An act to amend an act, entitled "An act to incorporate the Deposit Bank of Henderson."

An act to authorize sales and conveyances by trustee under a power.

With an amendment to the last named bill.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of Sanford Goin, of Franklin county.

2. An act for the benefit of W. W. Smith, J. D. Royse, and C. H. Jones.

3. An act for the benefit of S. M. Goble, of Carter county.

4. An act for the benefit of W. S. Allen, late sheriff of Breathitt county, and his securities.

5. An act for the benefit of John Gibbs, of Wolfe county.

6. An act to incorporate the Forest Hill Building and Loan Association, of West Covington.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 4th to the Committee on Finance; the 2d and 6th to the Committee on Revised Statutes and Codes of Practice, and the 3d and 5th to the Committee on Claims.

Mr. Clay, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to regulate sales made under decrees of the Barren circuit court;"

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Duvall, from the Committee on Internal Improvement—

An act to amend an act, entitled "An act to incorporate the Lincoln and Boyle Turnpike Road Company."

By same—

An act to amend the charter of the Lexington and Winchester Turnpike Company.

By same—

An act to incorporate the Moore and Noland Turnpike Road Company.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, asking that a committee be appointed by the Senate, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to withdraw, unsigned, from the Governor, a bill, which originated in the House of Representatives, and had passed the two Houses, entitled

An act to suppress the selling or giving to minors spirituous, vinous, or malt liquors in the city of Covington.

Which request was granted, and Messrs. Casey and Hyatt appointed said committee.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Casey then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was simply entered.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

EXECUTIVE OFFICE, FRANKFORT, April 9, 1873.

Gentlemen of the Senate and House of Representatives:

As the General Assembly has by a late act made an appropriation for a further prosecution of a Geological Survey of the State, I feel it my duty to communicate to you some information which I have recently received, and deem of very great importance to the interests of that enterprise. I am gratified to learn that the valuable maps and illustrations which were designed to accompany the fourth volume of the Geological Survey of Kentucky, issued in 1861, but which, for the want of an adequate appropriation at that time, were not published, have been carefully preserved, and can be still obtained for publication.

The importance of these documents, not only in completing the value of the text already published, but also in greatly facilitating the further prosecution of the work, will be clearly apparent from the following descriptive schedule:

1st. *A stratigraphical section with colored rock strata of the great east and west base line*, extending over 300 miles from the Ohio river, near Uniontown on the west, to the Virginia line. The cost of surveying this line consumed about one half of the appropriation made by the Legislature. The work was a necessary preliminary to a proper Geological Survey, inasmuch as, at that time, no accurate Geographical and Topographical Survey of the State had been made. This base line was accurately measured, leveled by barometrical observation, and marked by the felling of trees, &c. It will be indispensable in the continuance of the survey.

2d. A large map, five feet long, of the secondary *base line*, with a carefully worked up geological section from Greenupsburg to Clinton county. This fine map and section embodies the results of the labors of Mr. Jos. Leslie, and his assistants of the Geological Survey, for two years in our valuable Eastern coal-field, and the loss or want of it would entail the cost and labor of a new survey of that region.

3d. A map of the outlines of the Western coal-fields of Kentucky, &c.

4th. A map of Eastern Kentucky, showing the Western out-crop of its coal-field.

5th. Four plates of *Kentucky coal plants*, by M. Lesquereaux, to illustrate his report in the fourth volume of the report of the Geological Survey.

6th. *Comparative sections (colored) of Kentucky coal measures with those of Great Britain.*

7th. Plan of Bell's coal-mine, in Crittenden county. There were also plans of other coal-mines prepared, which, perhaps, with proper effort, might be recovered.

The maps and illustrations above referred to were in the hands of the Public Printer of the State, in order to accompany the Fourth Report of the Geological Survey; but when it was found that the appropriation made by the State was not sufficient to defray the expense of their republication, they were returned to Dr. Peter, in whose custody they had been placed by the late Dr. D. D. Owen, the Chief Geologist of the Survey, except the map of the secondary base line, which was returned to its author, Mr. Leslie, by whom, I learn, it has been carefully preserved.

These gentlemen, I am informed, are both willing and anxious to surrender these documents to the State, if adequate appropriation be made for their publication. The cost of engraving and publishing 5,000 copies of each of the first two maps mentioned above will be probably from ten to twelve hundred dollars; a small sum will pay the expense of publishing the others. The entire cost of the whole will not exceed, probably, three thousand dollars.

It seems to me a very unwise economy to make appropriations of public money for a great enterprise, and then permit some of the most valuable results of its labors to be lost for want of a small additional and necessary expenditure. The political agitation, the excited condition of the country in 1861, might excuse such action then; but now that the importance of the subject has awakened attention again, and you have appropriated means for resuming the work of a Geological Survey, I trust you will not hesitate to add a sum necessary to secure to the interests of industry and science the important contributions already

achieved, especially when the further prosecution of the survey will be so greatly aided thereby.

I respectfully submit the subject to your consideration, and recommend that you make an appropriation sufficient to publish 5,000 copies of the maps and illustrations above mentioned, in a suitable form, to accompany the report of the fourth volume of the Geological Survey.

So highly do I estimate the value of these documents to the State, that should you deem it not advisable to make an additional supply of money, I would recommend most respectfully that a portion of the sum which you have already appropriated for prosecuting the survey be set aside, and applied for their publication. P. H. LESLIE.

Ordered, That said message be printed, and referred to the Committee on Internal Improvement.

The Senate took up for consideration the motion made on yesterday to reconsider the vote by which they had rejected a bill, which originated in their body, entitled

An act to amend an act to incorporate the Licking River Lumber and Mining Company.

The question was then taken on reconsidering said vote, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Martin and McManama, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	F. W. Darby,	G. A. C. Holt,
E. P. Campbell,	J. H. Dorman,	A. L. Martin,
Wm. L. Conklin,	William P. Duvall,	W. L. Vories,
G. W. Connor,	W. W. Frazer,	Emery Whitaker—14.
John E. Cooper,	D. R. Haggard,	

Those who voted in the negative, were—

R A. Burton,	Jesse C. Gilbert,	William Johnson,
James B. Casey,	H. S. Hale,	A. L. McAfee,
James F. Clay,	Edwin Hawes,	O. D. McManama,
W. McKee Fox,	J. B. Haydon,	W. H. Sneed,
John J. Gatewood,	John W. Johnson,	A. G. Talbott—15.

The Senate resumed the consideration of the unfinished report from the Committee on Courts of Justice, which was cut off by the special order on yesterday, viz:

A bill to establish a criminal court in the 11th judicial district.

The question was then taken on the passage of said bill, and it was decided in the negative (not having received a constitutional majority).

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	William P. Duvall,	A L. McAfee,
James B. Casey,	W. W. Frazer,	O. D. McManama,
James F. Clay,	Jesse C. Gilbert,	Alfred T. Pope,
G W. Connor,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	I. L. Hyatt,	A. G. Talbott,
F. W. Darby,	A. L. Martin,	W. L. Vories—19.
J. H. Dorman,		

Those who voted in the negative, were—

John S. Barlow,	H. S. Hale,	John W. Johnson,
E. P. Campbell,	Edwin Hawes,	Wm. Johnson,
Wm. L. Conklin,	J. B. Haydon,	Emery Whitaker—10.
John J. Gatewood,		

So said bill was rejected.

The Senate took up for consideration a bill, entitled

A bill to further amend the charter of the Kentucky River Navigation Company.

Ordered, That the further consideration of said bill be postponed to, and made the special order of the day for, Tuesday next, the 15th inst.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum."

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum of this Commonwealth," as appropriates one hundred thousand dollars for the enlargement of the Western Lunatic Asylum at Hopkinsville, be, and the same is hereby, so amended as to strike out all that part relating to the enlargement of the Western Lunatic Asylum at Hopkinsville; but this act shall not in any manner affect the erection of the Third Lunatic Asylum, as provided for in said act.

§ 2. This act shall take effect from and after its passage.

Mr. Campbell then moved that the further consideration of said bill be postponed till Tuesday next, the 15th inst.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	W. W. Frazer,	John W. Johnson,
G. W. Connor,	John J. Gatewood,	William Johnson,
F. W. Darby,	Edwin Hawes,	A. L. McAfee,

J. H. Dorman, G. A. C. Holt, Alfred T. Pope,
W. McKee Fox, I. L. Hyatt, W. L. Vories—15.

Those who voted in the negative, were—

John S. Barlow, Jesse C. Gilbert, A. L. Martin,
James B. Casey, D. R. Haggard, O. D. McManama,
James F. Clay, H. S. Hale, W. H. Sneed,
Wm. L. Conklin, Thomas F. Hargis, A. G. Talbott,
John E. Cooper, J. B. Haydon, Emery Whitaker—16.
William P. Duvall,

Ordered, That said bill be read a third time.

The question was then taken on dispensing with the third reading of said bill, and it was decided in the negative (not having received four fifths majority, as required).

The yeas and nays being required thereon by Messrs. Wm. Johnson and Campbell, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, John J. Gatewood, A. L. Martin,
James B. Casey, Jesse C. Gilbert, O. D. McManama,
James F. Clay, D. R. Haggard, Alfred T. Pope,
Wm. L. Conklin, H. S. Hale, W. H. Sneed,
John E. Cooper, Thomas F. Hargis, A. G. Talbott,
J. H. Dorman, J. B. Haydon, Emery Whitaker—20.
William P. Duvall, I. L. Hyatt,

Those who voted in the negative, were—

R. A. Burton, W. McKee Fox, John W. Johnson,
E. P. Campbell, W. W. Frazer, Wm. Johnson,
G. W. Connor, Edwin Hawes, A. L. McAfee—10.
F. W. Darby,

Mr. Haggard then moved that said bill have its third reading to-morrow at ten minutes past nine o'clock, A. M.

And the question being taken on the adoption of said motion, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Campbell, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, John J. Gatewood, A. L. Martin,
James F. Clay Jesse C. Gilbert, A. L. McAfee,
Wm. L. Conklin, D. R. Haggard, Alfred T. Pope,
John E. Cooper, H. S. Hale, W. H. Sneed,
J. H. Dorman, Thomas F. Hargis, A. G. Talbott,
William P. Duvall, J. B. Haydon, Emery Whitaker—18.

Those who voted in the negative, were—

R. A. Burton, W. W. Frazer, Wm. Johnson,
E. P. Campbell, Edwin Hawes, O. D. McManama,
G. W. Connor, I. L. Hyatt, W. L. Vories—11.
F. W. Darby, John W. Johnson,

On motion of Mr. Vories, leave was given to bring in the following bills, viz:

A bill to incorporate the Lockport Odd Fellows' Building Association.

A bill to amend the charter of the town of Lockport, in Henry county.

Ordered, That the Committee on Courts of Justice prepare and bring in the same.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Benevolent Society of Colored People of Millville, in Woodford county;

An act for the benefit of Thomas M. Purnell;

An act to amend an act incorporating the Cincinnati, Covington, and Cumberland Gap Railroad Company, approved March 11th, 1867;

An act to prevent the sale of intoxicating liquors in the Murphysville precinct, in Mason county;

An act for the benefit of Mrs. V. W. Fishback;

An act for the benefit of S. H. Piles, late sheriff of Livingston county;

An act to amend an act, entitled "An act to incorporate Lost Fork and Otter Creek Turnpike Road Company, in Madison county," approved March 16th, 1869;

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile and a half of West Bend, Powell county;

An act for the benefit of the Kiddville and Montgomery Turnpike Road Company;

An act to cause a head and foot-stone to be erected over the grave of Henry Morton (of color);

An act for the benefit of William Little, curator of the estate of Robert E. Moore, deceased;

An act to amend an act, entitled "An act to prohibit the sale of intoxicating liquors in the town of Claysville;"

An act to incorporate the United Colored Baptist Church, of Lancaster;

An act to amend an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof," approved February 28th, 1872;

An act for the benefit of the tax-payers of Carter county;

An act for the benefit of the Hillsboro and Mouth of Fox, and the Tilton and Day's Mill Turnpike Company;

And enrolled bills, which originated in the Senate, of the following titles, viz:

An act to charter the Ohio River, Owenton, and Lexington Railway Company;

An act to incorporate the Sodom Turnpike Road Company, in Scott county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report, viz: chapters 90, 93, 94, and 95.

The Senate took up for consideration chapter 90, title "Roads and Passways."

Sections 19 and 20 were amended, and the chapter adopted.

Chapter 93, title "Secretary of State," was adopted.

Chapter 94, title "Sergeant," was also adopted.

Chapter 95, title "Sheriffs," was amended and adopted.

The following message was received from the House of Representatives, viz:

The House has adopted, *without amendment*, the following chapters of the proposed Revision of the Statutes, as reported from the Senate, to-wit:

Chapter 71, title "Lost Records and How Supplied."
Chapter 73, title "Master Commissioner, Receivers, and other Commissioners in Equity."
Chapter 74, title "Mills."
Chapter 75, title "Militia."
Chapter 76, title "Names May be Changed."
Chapter 77, title "Notary Public."
Chapter 78, title "Occupying Claimants."
Chapter 79, title "Office and Officer."
Chapter 80, title "Partnership."
Chapter 81, title "Patrols."
Chapter 82, title "Peddlers."
Chapter 83, title "Penitentiary."
Chapter 84, title "Poor and Poor-houses."

Chapter 85, title "Port-wardens."
Chapter 86, title "Public Arms and Accoutrements."
Chapter 87, title "Public Buildings, State and County."
Chapter 92, title "Salt and Saltpetre Works and Water-pipes."
Chapter 88, title "Public Printing and Binding."

They have also adopted of said report chapter 89, title "Register," with the following amendments, viz:

1st. In section 4, line 2, after the word "survey," add the words "to the Register, and he shall pay the same to the Treasurer."

2d. Add as additional section the following: "That said Register shall report to the Governor, on or before the 10th day of October of each year, the number of patents issued and copies supplied, and the amount of the fees received therefor and paid over to the Treasurer, and take his receipt therefor, and publish the same with his report to the Governor."

The amendments proposed by the House of Representatives to chapter 89, title "Register," were taken up and concurred in.

A message was also received from the House of Representatives, announcing that they had adopted so much of the Revision of the Statutes as is embraced in chapter 91, title "Salaries," with the following amendment thereto, viz:

In line 15, strike out the word "five," and insert the word "twelve."

Which amendment was taken up; and the question being taken on concurring in said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Hale, were as follows, viz:

Those who voted in the affirmative, were—

James F. Clay,	I. L. Hyatt,	Alfred T. Pope,
William P. Duvall,	A. L. Martin,	W. H. Sneed,
Thomas F. Hargis,	O. D. McManama,	W. L. Vories—10.
J. B. Haydon,		

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	Edwin Hawes,
R. A. Burton,	John J. Gatewood,	Wm. Johnson,
E. P. Campbell,	Jesse C. Gilbert,	A. G. Talbott,
Wm. L. Conklin,	D. R. Haggard,	Emery Whitaker—14.
J. H. Dorman,	H. S. Hale,	

Also, that they had concurred in adopting chapter 92, title "Salt and Saltpetre Works and Water-pipes."

And then the Senate adjourned.

THURSDAY, APRIL 10, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit and relief of persons who have paid tax on income from United States bonds, imposed by an act passed and approved March 8th, 1867,

An act for the benefit of R. G. Scott, of Rowan county.

An act for the benefit of J. W. Bradburn, of Hardin county, and others.

An act to pay for the erection of stable for use of Penitentiary.

An act to amend an act, entitled "An act to change the time of holding circuit courts in the fifth judicial district," approved January 13th, 1872.

An act to amend an act, entitled "An act for the benefit of Wm. H. Miller and others, sureties of J. C. Shanks, late sheriff of Ohio county," approved February 3d, 1870.

An act to incorporate the town of Lynnville, in Graves county.

An act to require attachments from other counties to be noted of record in the office of the county clerk of Jefferson county.

An act to amend the charter of the town of Danville.

An act for the benefit of school district No. 30, in Butler county.

With an amendment to the last named bill.

Which was taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to prohibit the sale of spirituous or vinous liquors in Nicholas county.

2. An act to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county."

3. An act to change the boundary line of the town of Clinton, in Hickman county.

4. An act to incorporate the Columbia Christian College.

5. An act for the benefit of turnpike district No. 2, in Henry county.

6. An act to legalize a certain survey made in the name of Wm. Day, in Morgan county.

7. An act to authorize a portion of Jamestown magisterial district, in Campbell county, to purchase the Newport and Dayton Turnpike, and to bridge Taylor's creek.

8. An act to legalize a certain survey made in the name of D. P. Mosley and J. H. Amyx, in Morgan county.

9. An act to incorporate the Crab Orchard Salts Manufacturing Company at Crab Orchard Springs.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Religion and Morals; the 2d, 6th, and 8th to the Committee on the Judiciary; the 3d to the Committee on Courts of Justice; the 4th and 7th to the Committee on Propositions and Grievances; the 5th to the Committee on Internal Improvement, and the 9th to the Committee on Agriculture and Manufactures.

Mr. Cooper presented the remonstrance of sundry citizens of Magoffin county, against the passage of an act to authorize Farish Arnett to retail spirituous liquors in said county.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

Mr. Gatewood moved to reconsider the vote by which the Senate had, on yesterday, rejected a bill, which originated in that body, entitled

An act to establish a criminal court in the 11th judicial district.

Which motion was simply entered.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to exempt certain lands within the corporate limits of the town of Greenup from municipal taxation.

By same—

An act to limit the jurisdiction of the police judge of the town of Dixon, in Webster county.

By same—

An act to prescribe and regulate the rates of ferriage upon the Ohio river for boats plying to and from the corporate limits of the town of Greenup.

By Mr. Darby, from the Committee on Courts of Justice—

An act to change the time of holding circuit courts in the 13th judicial district.

By Mr. Duvall, from the Committee on Internal Improvement—

An act amending an act approved January 24th, 1871, entitled "An act to amend and reduce into one the several acts in relation to the road laws of Greenup county."

By Mr. Gilbert, from the Committee on Courts of Justice—

An act for the benefit of Jas. W. Winlock.

By Mr. Martin, from the Committee on Education—

An act to amend an act, entitled "An act giving the trustees of the common school district in Catlettsburg the right to levy a tax for two years to build a school-house in said district," approved March 5th, 1872, and to establish and maintain public schools in the town of Catlettsburg.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Crab Orchard Salts Manufacturing Company at Crab Orchard Springs.

By same—

An act to re-enact an act, entitled "An act to incorporate the Boyd County Navigation, Manufacturing, and Improvement Company," approved February 8th, 1871.

By same—

An act to incorporate Clay Lodge, No. 1, Knights of Pythias.

By same—

An act to incorporate the Falls City Club of the city of Louisville.

By same—

An act to incorporate Valley Lodge, No. 511, A. Y. M., in Jefferson county.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to authorize the holding of special chancery courts in the county of Rockcastle.

By Mr. Darby, from the Committee on Courts of Justice—

An act to change the time of holding the circuit, criminal, and chancery courts in the 12th judicial district.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hargis, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to amend an act to provide for the organization and regulation of incorporated companies, except banking, insurance, and railroad companies, approved March 15th, 1870,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Mr. Wm. Johnson, from the Committee on the Judiciary, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Jesse Clark, of Bath county,

Reported the same, with the expression of opinion that said bill ought not to pass.

Said bill reads as follows, viz:

Whereas, Louisa Clark, wife of Jesse Clark, obtained a divorce at the March term, 1873, of the Bath circuit court, and the said Jesse Clark is desirous of marrying again before the expiration of one year, and has made all necessary arrangements to do so, under the belief he had the right to marry again at any time after the decree of divorce; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jesse Clark, of Bath county, be, and he is hereby, permitted to marry, by proper license, at any time after the passage of this act.

§ 2. This act shall take effect from its passage.

The question was then taken on ordering said bill to be read a third time, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Hargis, were as follows, viz:

In the affirmative, none.

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	I. L. Hyatt,
R. A. Burton,	John J. Gatewood,	John W. Johnson,
E. P. Campbell,	Jesse C. Gilbert,	William Johnson,
James F. Clay,	D. R. Haggard,	Alfred T. Pope,
Wm. L. Conklin,	H. S. Hale,	W. H. Sneed,
John E. Cooper,	Thomas F. Hargis,	A. G. Talbott,

J. H. Dorman, Edwin Hawes, Emery Whitaker—23.
Wm P. Duvall, G. A. C. Holt,

So said bill was disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act to amend an act, entitled "An act to amend and make into one the several acts relating to the charter and amendments thereto, of the town of Mount Sterling," approved March 18th, 1871.

By Mr. Hargis, from the Committee on the Judiciary—

An act to authorize the sheriff and master commissioner of Fayette county to advertise sales of real estate and personal property in said county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Owensboro Building and Loan Association.

By same—

An act in regard to certain streets in the city of Louisville.

With amendments to said four bills.

Which were adopted.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Wm. Johnson, from the Committee on the Judiciary—

A bill exempting the county of Hart from erecting fire-proof vaults in said county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to incorporate the Henderson Building and Loan Association.

By same—

A bill to incorporate the Central Club.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to incorporate the Lockport Odd Fellows' and Masonic Building Company.

By Mr. Whitaker, from the Committee on Courts of Justice—

A bill to amend the charter of the town of Lockport, in Henry county.

By Mr. Darby, from the Committee on Courts of Justice—

A bill to prevent and punish unlawful combinations of persons.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last named bill was ordered to be printed, and made the special order of the day for Tuesday next, the 15th inst., and all the rest were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had passed a bill which originated in the House of Representatives, entitled

An act to suppress the selling or giving to minors spirituous, vinous, or malt liquors in the city of Covington.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, were reconsidered.

Mr. Casey then proposed an amendment to said bill.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the amendments proposed by the House of Representatives to bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of common school district No. 1, Lawrence county.

An act to change the time of holding the Grant county quarterly court.

Which amendments were twice read and concurred in.

A message was received from the Governor by Mr. Craddock, Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to repeal an act, entitled "An act for the benefit of the German Evangelical St. Paul Church, of Paducah," and to revive the act approved 26th January, 1869, named therein.

An act for the benefit of common school district No. 1, in Allen county.

An act to incorporate the Owenton and Sparta Telegraph Company.

An act to incorporate the Dallasburg Cemetery Company.

An act for the benefit of the administrator of Asa Gilbert, late sheriff of Clay county.

An act to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872.

An act for the benefit of the Big Sandy Telegraph Company.

An act to amend an act, entitled "An act to incorporate the Kentucky and Great Eastern Railway Company."

An act to incorporate the Sodom Turnpike Road Company, in Scott county.

An act to amend the charter of the city of Covington.

An act for the protection of counties, cities, &c., subscribing stock in railroads, turnpikes, and other improvements.

An act to prevent live stock of all kinds from running at large in Mason and Fleming counties.

An act to provide a private secretary for the Governor.

An act to amend section 16 of an act to amend an act to incorporate the town of Smith's Grove.

An act to require the clerk of the Wolfe circuit court to index and cross-index certain judgment and order-books in his office.

An act to provide for the leasing of the interest of the State in the Louisville and Nashville Turnpike Company on the north side of Barren river, in the county of Warren.

An act to amend an act, entitled "An act to incorporate the Central West Kentucky Agricultural and Mechanical Association, in Graves county," approved February 25th, 1860.

An act to legalize the official actions of William W. White, deputy clerk of the Clay circuit court.

The Senate took up for consideration a bill, entitled

A bill to establish a Bureau of Immigration.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby established in the city of Louisville a Bureau of Immigration for the State of Kentucky.

§ 2. That the Governor shall nominate, and by and with the advice of the Senate appoint, a suitable person to take charge of and administer the affairs of said Bureau, who shall be styled the "Commissioner of Immigration," and shall hold his office for two years, and until his successor is duly appointed and qualified. The first appointment of the Commissioner shall be made within thirty days after the passage of this act.

§ 3. That the said Commissioner, before he enters upon the discharge of the duties of his office, shall take an oath, or make affirmation, before any officer of the State having authority to administer oaths, to the effect that he will faithfully and impartially, to the best of his ability, perform all the duties required of him by this act. He shall also covenant with and to the Commonwealth of Kentucky, with two or more sufficient sureties, to be approved by the Governor, who is *ex-officio* authorized to take said covenant on behalf of the State, to the effect that he will honestly and faithfully apply and account for whatever moneys which shall come into his possession or under his control as Commissioner of Immigration for the State of Kentucky, as required by this act; and that he will, in all respects, to the best of his ability, discharge all the duties of his office. The said Commissioner shall reside and keep his office in the city of Louisville, and shall strictly devote the whole of his time and energies to the duties of his office, and in the promotion of the objects of this act. No person shall be eligible as Commissioner or Agent who holds or discharges any office or agency under the State of Kentucky, or any city, county, or corporation, or any department thereof, except militia officers of Kentucky. He shall collect, as fully as practicable, statistics of the agricultural, mineral, manufacturing, and other resources of the State; and he shall also prepare maps, pamphlets, circulars, and publications adapted to general circulation in Europe or elsewhere, in as many languages as he may deem advisable, containing such information concerning the geography of the State, its climate and resources, as he may deem necessary or proper to be known and understood. He shall report to the Governor of this Commonwealth, on the first days of July and January in each year, a full account of his administration of the affairs of said Bureau, including the itemized accounts of the traveling and all other expenses of the agents hereinafter provided for; and the Governor is required to lay said reports before the General Assembly at the commencement, as near as may be, of each session thereof. The Commissioner shall have authority, and it shall be his duty, to make rules and regulations for the government of the agents connected with, or in the service of, said Bureau, and give all necessary instructions to said agents, whether employed at home or abroad: *Provided*, Said rules, regulations, and instructions shall be first submitted to, and approved by, the Governor. He shall, by circulars sent by mail or otherwise, to the clerks of the county courts of the respective counties of this State, give all needful information of the mode and manner by which the citizens of this State may avail themselves of the benefits arising from immigration secured through the agency of this Bureau. He shall have power and authority to designate one or more depots in this State at

which immigrants may be received, and to make the necessary arrangements to take care of them until employment is procured. Said Commissioner shall distribute such immigrants as may arrive, so far as he is able to do so, equally and equitably among the various sections of the State; and he is authorized, if he deem it advisable, to co-operate with, and furnish publications to, any society, organization, or association, for the accomplishment of the purpose of this act.

§ 4. The said Commissioner shall keep an intelligent memorandum, in a well-bound book, of all applications for immigrants, the number desired, proposed wages and terms of employment; also of all proposals for the sale or lease of property to immigrants, with a brief description of its location, value, kind of soil, terms of sale, and of such other matters pertaining thereto as may be of value to the immigrant; but no application shall be received except it be made by a citizen of this State, and accompanied by a certificate under the seal of the county court clerk of his or her residence, that he or she is a person of honesty and good character, and pecuniarily responsible for his or her contracts; and he shall, when he deems the same necessary, forward said application to the foreign agents, with instructions to supply such demands as soon as practicable.

§ 5. Immigrants coming to this State shall be exempt from taxation, either State, county, or municipal, for the period of three years after their arrival. This exemption shall be limited to a maximum of taxation upon 100 acres of land, and the implements and stock to cultivate the same; and to those who are not engaged in agriculture, their personal or real property to the maximum value of $5,000 shall be likewise exempt for the same period. Said immigrants shall also be exempt from military or militia service for three years. The Commissioner shall keep a record of the time of arrival, and the names of all immigrants, their avowed destination, and such other facts as will enable the immigrant to avail himself of the benefits of this section. And such record, or a certified copy thereof, shall be competent evidence in the courts of this Commonwealth.

§ 6. That the Commissioner shall not, nor shall any agent or officer connected with or in the service of said Bureau, have power to pledge the credit of this State to any person or persons, or corporation, in any manner whatsoever, for any sum of money beyond what shall be by the General Assemby appropriated to the use of said Bureau; nor shall it be lawful for said Commissioner to expend more money in conducting the affairs of said Bureau than is specifically appropriated by this act.

§ 7. That the said Commissioner shall be entitled to receive for his services an annual salary of two thousand five hundred dollars, payable quarterly out of the Treasury.

§ 8. The printing necessary for said Bureau shall be done where the Commissioner can have the same done at the cheapest rate; but the expense thereof shall come out of the sum specified in section 17 of this act.

§ 9. That the Commissioner is authorized to appoint, with the consent of the Governor, an agent, who shall reside in New York or other seaboard city, as the Commissioner and Governor may designate, and whose duty it shall be to receive from shipboard immigrants destined for this State, and to forward them to such points as may be designated, prevent their diversion to other States, and to obtain the most favorable terms from railway companies for their conveyance, both as to cheapness of fare and speedy transit; and he shall see that such stipulations are at all times carried out in good faith, and such other duties connected with the objects of this act as said Commissioner may prescribe.

§ 10. That the said Commissioner is, in like manner, authorized to appoint as many as two (2) other agents, whose duty it shall be to visit Europe to furnish all necessary information to persons desiring to emigrate to this State, and to perform all that may be required of them by said Commissioner, that may be lawfully done, to induce honest and industrious emigrants to come to this State.

§ 11. That the said agents respectively shall be required to take an oath, or make affirmation, and enter into a covenant with the Commonwealth of Kentucky, with two or more sufficient sureties, to be approved by the Governor, to the same effect as is required by this act of the said Commissioner.

§ 12. That the said agents shall be commissioned by the Governor, under the great seal of this Commonwealth, and may be removed at any time by the said Commissioner, by and with the consent of the Governor, and others appointed in their place; and any vacancy, whether caused by death, resignation, or removal, shall be filled by the appointment of the Commissioner, with the consent of the Governor.

§ 13. The agents who may be sent abroad shall be able to speak with fluency, and write with accuracy, the English language and the language of the people to whom they shall be sent.

§ 14. The agent assigned to the city of New York, or other city on the seaboard, shall be entitled to receive an annual salary of two thousand five hundred dollars, to be paid quarterly out of the Treasury.

§ 15. The agents sent abroad shall receive an annual salary of two thousand dollars, payable in gold, quarterly, out of the Treasury, and shall also receive fifteen hundred dollars each for traveling expenses, payable in like manner.

§ 16. The Governor shall appoint the Commissioner, or fill any vacancy in the office of Commissioner during the recess of the Senate, which appointment shall expire at the end of the next session of the Senate.

§ 17. That the sum of ten thousand dollars, in addition to the sums aforesaid, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to the use of said Bureau, to be drawn by the said Commissioner, with the written indorsement of the Governor and Secretary of State, from time to time, as may be needed to carry out the objects and purposes of this act, upon warrants issued by the Auditor of Public Accounts.

§ 18. This act shall take effect from its passage.

Mr. Talbott moved to amend said bill as follows, viz:

Amend section three by striking out, beginning in seventeenth line, at the word "he," and inclusive of the word "act," to the close of the section.

The previous question was moved and sustained.

The question was then taken on the adoption of the amendment proposed by Mr. Talbott, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Talbott and Clay, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	William Johnson,
R. A. Burton,	D. R. Haggard,	A. G. Talbott,

Wm. L. Conklin,	H. S. Hale,	W. L. Vories,
G. W. Connor,	Edwin Hawes,	Emery Whitaker—13.
J. H. Dorman,		

Those who voted in the negative, were—

E. P. Campbell,	Jesse C. Gilbert,	A. L. Martin,
James F. Clay,	Thomas F. Hargis,	Alfred T. Pope,
John E. Cooper,	I. L. Hyatt,	W. H. Sneed,
F. W. Darby,	John W. Johnson,	Ben. J. Webb—13.
W. W. Frazer,		

Ordered, That said bill be read a third time.

The previous question was again moved and sustained.

The third reading of said bill was then dispensed with.

The question was then taken on the passage of said bill, and it was decided in the negative, not having received a constitutional majority.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	F. W. Darby,	A. L. Martin,
E. P. Campbell,	W. W. Frazer,	Alfred T. Pope,
James F. Clay	Jesse C Gilbert,	W. H. Sneed,
Wm. L. Conklin,	I. L. Hyatt,	Ben. J. Webb,
John E. Cooper,	John W. Johnson,	Emery Whitaker—15.

Those who voted in the negative, were—

John S. Barlow,	D. R. Haggard,	Wm. Johnson,
G. W. Connor,	H. S. Hale,	A. G. Talbott,
J. H. Dorman,	Thomas F. Hargis,	W. L. Vories—11.
John J. Gatewood,	Edwin Hawes,	

A message was received from the House of Representatives, announcing that they had receded from their 1st and 3d proposed amendments to chapter 30, title "Crimes and Punishments," and insist upon the 4th, 5th, 6th, 15th, and 18th proposed amendments.

Resolved, That the Senate insist upon their disagreement to the 4th proposed amendment; concur in the 6th, with an amendment as a substitute therefor; concur in the 15th, with an amendment, striking out "March." Insist upon their disagreement to the 18th, and recede from their disagreement to the 5th proposed amendment.

A message was also received from the House of Representatives, announcing their agreement in the report of the committee of conference touching the disagreement between the two Houses on chapter 29, title "Courts."

A message was also received from the House of Representatives, announcing that they insisted upon their third proposed amendment to chapter 55, title "Inclosures and Certain Trespasses."

Resolved, That the Senate adhere to their disagreement, and request that a committee of conference be appointed by the House of Representatives, to act in conjunction with a similar committee appointed on the part of the Senate, to take into consideration the disagreement between the two Houses touching said third proposed amendment.

Messrs. Hargis, Cooper, and Conklin were appointed said committee on the part of the Senate.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Wm. Cook's heirs;

An act to incorporate the Maysville Chair Company;

An act to incorporate the town of Hickory Grove, in Graves county;

An act to incorporate the town of Pryorsburg, in Graves county;

An act to amend an act, entitled "An act for the benefit of S. W. Thompson and his sureties, late clerk of the Scott county court;"

An act to incorporate the town of Peak's Mill, in Franklin county;

An act to incorporate the Rothrock Coal and Mining Company, of Muhlenburg county;

An act for the benefit of R. T. McGlauling;

An act authorizing the counties of Montgomory, Clark, and Bath to sell a part or all of the stock owned by such counties, or either of them;

An act affixing penalties and forfeitures upon corporations and persons exercising corporate powers that are required to give bonds, and have failed to do so;

An act to define and enlarge the boundaries of the town of Ashland;

An act amending an act, entitled "An act to incorporate the Vanceburg, Quincy, and Springville Turnpike Road Company," approved February 18th, 1869;

An act to prohibit partnerships to practice law between circuit, chancery, and criminal court clerks and county court clerks;

An act to provide for the payment of conveying prisoners to the House of Reform;

An act to incorporate the Hillsboro and Plummer's Landing Turnpike Company;

An act for the protection of bee-keepers in this Commonwealth;

An act providing for transcribing the plats, surveys, and certificates of land lying in Magoffin county;

An act for the benefit of J. B. Evans, of Monroe county;

An act to establish a school district from parts of Fayette and Madison counties;

And enrolled bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Oakland Cemetery Company;

An act in relation to the fees of officers in certain cases;

An act for the benefit of married women in this Commonwealth;

An act to incorporate the Ohio and Red River Packet Company;

An act to authorize Mary Boyd to erect cattle-stops across John's creek, in Pike county;

An act to incorporate the Grand Division of Sons of Temperance;

An act to incorporate the Woolen Manufacturing Company;

An act to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9th, 1868;

An act for the benefit of Browder Institute, in Logan county;

An act to amend an act, entitled "An act to incorporate the Deposit Bank of Henderson;"

An act to amend the charter of, and to authorize the city of, Mayfield to subscribe for stock in the Cairo and Tennessee River Railroad Company;

An act to amend the charter of the Farmers' Bank of Kentucky;

An act to incorporate the Christian Church at Warsaw;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

Mr. Darby, from the Committee on Courts of Justice, reported a bill, entitled

A bill for the benefit of Perry Jefferson, sheriff of Mason county.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the Auditor of Public Accounts to credit Perry Jefferson, sheriff of Mason county, in his settlement for the revenue of

eighteen hundred and seventy-two (1872), with one hundred and seventy-seven dollars and thirty cents ($177 30), it being the five per cent. on money not paid into the Treasury before the first of April, 1871.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hawes and Connor, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	A. L. Martin,
R. A. Burton,	Jesse C. Gilbert,	Alfred T. Pope,
James F. Clay,	D. R. Haggard,	W. H. Sneed,
G. W. Connor,	H. S. Hale,	A. G. Talbott,
John E. Cooper,	Thomas F. Hargis,	W. L. Vories,
F. W. Darby,	I. L. Hyatt,	Ben. J. Webb,
William P. Duvall,	John W. Johnson,	Emery Whitaker—23.
W. W. Frazer,	William Johnson,	

Those who voted in the negative, were—

E. P. Campbell,	J. H. Dorman,	Edwin Hawes—3.

Resolved, That the title of said bill be as aforesaid.

The Senate, according to order, took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum."

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum of this Commonwealth," as appropriates one hundred thousand dollars for the enlargement of the Western Lunatic Asylum at Hopkinsville, be, and the same is hereby, so amended as to strike out all that part relating to the enlargement of the Western Lunatic Asylum at Hopkinsville; but this act shall not in any manner affect the erection of the Third Lunatic Asylum, as provided for in said act.

§ 2. This act shall take effect from and after its passage.

Mr. Vories then moved to postpone the further consideration of said bill till Tuesday next, the 15th inst.

And the question being taken on the adoption of said motion, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Gilbert, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	W. W. Frazer,	Wm. Johnson,
E. P. Campbell,	John J. Gatewood,	W. L. Vories,
G. W. Connor,	Edwin Hawes,	Ben. J. Webb—11.
F. W. Darby,	I. L. Hyatt,	

Those who voted in the negative, were—

John S. Barlow,	William P. Duvall,	A. L. Martin,
James B. Casey,	Jesse C. Gilbert,	A. L. McAfee,
James F. Clay,	D. R. Haggard,	Alfred T. Pope,
Wm. L. Conklin,	H. S. Hale,	W. H. Sneed,
John E. Cooper,	Thomas F. Hargis,	A. G. Talbott,
J. H. Dorman,	John W. Johnson,	Emery Whitaker—18.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Haggard and Campbell, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	John W. Johnson,
James B. Casey,	John J. Gatewood,	A. L. Martin,
James F. Clay,	Jesse C. Gilbert,	A L. McAfee,
Wm. L. Conklin,	D. R. Haggard,	W. H. Sneed,
John E. Cooper,	H. S. Hale,	A. G. Talbott,
J. H. Dorman,	Thomas F. Hargis,	Emery Whitaker—18.

Those who voted in the negative, were—

R. A. Burton,	W. W. Frazer,	Alfred T. Pope,
E. P. Campbell,	Edwin Hawes,	W. L. Vories,
F. W. Darby,	I. L. Hyatt,	Ben. J. Webb—11.
W. McKee Fox,	Wm. Johnson,	

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had passed a bill, entitled

An act to authorize the payment of fees to the Register of the Land Office in certain cases.

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

The question was then again taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Fox and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

W. McKee Fox,	Wm. Johnson,	W. H. Sneed—3.

Those who voted in the negative, were—

John S. Barlow,	William P. Duvall,	I. L. Hyatt,
R. A. Burton,	W. W. Frazer,	John W. Johnson,

E. P. Campbell,	John J. Gatewood,	Alfred T. Pope,
James F. Clay,	Jesse C. Gilbert,	A. G. Talbott,
Wm. L. Conklin,	D. R. Haggard,	W. L. Vories,
John E. Cooper,	H. S. Hale,	Ben. J. Webb,
F. W. Darby,	Thomas F. Hargis,	Emery Whitaker—23.
J. H. Dorman,	Edwin Hawes,	

So said bill was rejected.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to authorize sales and conveyances by trustee under a power.

Which was twice read and concurred in.

And then the Senate adjourned.

FRIDAY, APRIL 11, 1873.

A message was received from the House of Representatives, announcing that they had disagreed to the passage of a bill, which originated in the Senate, of the following title, viz:

An act to further provide for the completion of the unfinished apartments in the building known as the Fire-proof Offices, in the city of Frankfort.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to charter the Southern Land and Construction Company.

An act to incorporate the Tug River Coal Railroad Company.

An act to incorporate the Henderson Library Association.

An act providing for the collection of the railroad tax in the county of ontgomery.

An act to incorporate the Pickett Tobacco Warehouse, of Louisville.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of the Paducah and Northeastern Railroad Company.

2. An act to empower the county court of Mercer county to make subscription to capital stock in turnpike roads in Mercer county.

3. An act to amend an act, entitled "An act for the benefit of school district No. 16, in Larue county."

4. An act to amend an act, entitled "An act to incorporate the Paducah, Blandville, and Columbus Gravel Road Company."

5. An act to amend an act, entitled "An act for the benefit of common schools in Bracken county."

6. An act to authorize the county court of Harrison county to appropriate money towards building a bridge on the Cynthiana and Ashbrook's Mill Turnpike Road.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Railroads; the 2d, 4th, and 6th to the Committee on Internal Improvement, and the 3d and 5th to the Committee on Education.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to establish a colored free school at Bowling Green.

An act to facilitate the collection of delinquent taxes in Owen county.

An act for the benefit of Sallie Sanders.

An act to amend an act, entitled "An act to incorporate the Clay Fire and Marine Insurance Company, of Newport," approved March 10th, 1856.

An act to amend the charter of the Webster Coal Company, approved March 9th, 1867, and amendment thereto, approved March 20th, 1871.

An act to incorporate the Williamsburg Geological and Mining Company.

An act for the benefit of Martha A. Hightower, a pauper lunatic.

An act to amend the charter of the South Kentucky Fair Ground Association.

An act for the benefit of John Pinkerton, of Carter county.

An act for the benefit of W. R. Stringer, of Livingston county.

An act for the benefit of Mrs. Elizabeth J. Spradlin, of Floyd county.

An act to amend an act, entitled "An act to incorporate the Mount Sterling Water-works Company."

An act for the benefit of Mildred A. Broadus, a pauper idiot, of Lincoln county.

An act for the benefit of Thomas M. Purnell.

An act to amend an act, entitled "An act to prohibit the sale of intoxicating liquors in the town of Claysville."

An act to amend an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof," approved February 28th, 1872.

An act for the benefit of the Hillsboro and Mouth of Fox, and the Tilton and Day's Mill Turnpike Company.

An act for the benefit of Mrs. V. W. Fishback.

An act to prohibit the sale of spirituous, vinous, or malt liquors within one mile and a half of West Bend, Powell county.

An act for the benefit of the Kiddville and Montgomery Turnpike Road Company.

An act for the benefit of William Little, curator of the estate of Robert C. Moore, deceased.

An act to cause a head and foot-stone to be erected over the grave of Henry Morton (of color).

An act to amend an act, entitled "An act to incorporate Lost Fork and Otter Creek Turnpike Road Company, in Madison county," approved March 16th, 1869.

An act to incorporate the Benevolent Society of Colored People of Millville, in Woodford county.

An act to incorporate the United Colored Baptist Church, of Lancaster.

An act to prevent the sale of intoxicating liquors in the Murphysville precinct, in Mason county.

An act for the benefit of S. H. Piles, late sheriff of Livingston county.

An act to prohibit and punish persons guilty of intimidating voters.

An act to amend the charter of the Eastern Kentucky Railway Company.

An act for the benefit of Charles K. Oldham, sheriff of Madison county.

An act to prohibit the sale of spirituous or intoxicating liquors at Cropper's Depot, in Shelby county.

An act for the benefit of school district No. 28, of Clinton county.

An act to further define the duties of Commonwealth and county attorneys.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Frazer, from the Committee on Education—

An act for the benefit of common school district No. 1, in the county of Jessamine.

By Mr. Pope, from the Committee on Immigration and Labor—

An act to incorporate the Immigration Association of Kentucky.

By Mr. Gatewood, from the Committee on Education—

An act for the benefit of Bethel Academy, in the county of Jessamine.

By same—

An act to amend and reduce into one the several acts relating to Stanford Female College.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to provide for the construction and completion of turnpike roads in Scott county.

By same—

An act for the benefit of turnpike district No. 2, in Henry county.

By Mr. Gatewood, from the Committee on Education—

An act to amend an act, entitled "An act to establish and maintain a system of public schools in the town of Corydon, in Henderson county."

With an amendment to the last named bill.

Which was adopted.

Ordered, That said bills, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, entitled

An act for the benefit of school district No. 59, in Hart county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hargis moved to reconsider the vote by which the Senate had, on yesterday, rejected a bill, entitled

An act to establish a Bureau of Immigration.

Which motion was simply entered.

Mr. Clay moved to reconsider the vote by which the Senate, on yesterday, disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of Jesse Clark, of Bath county.

Which motion was simply entered.

Mr. Darby, from the Committee on Courts of Justice, reported a bill, entitled

A bill to incorporate the town of Norton, in Hopkins county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz :

On motion of Mr. Casey—

1. A bill to amend the charter of the city of Ludlow.

On motion of same—

2. A bill to authorize the United States to condemn land in the city of Covington as a site for its public buildings.

On motion of Mr. Campbell—

3. A bill to repeal an act, entitled " An act to provide for the location and erection of the Third Lunatic Asylum."

Ordered, That a select committee, consisting of Messrs. Fox, Martin, and Casey, prepare and bring in the 1st; a select committee, consisting of Messrs. Martin, Holt, and Casey, the 2d, and the Committee on Charitable Institutions the 3d.

Mr. Casey, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to suppress the selling or giving to minors spirituous, vinous, or malt liquors in the city of Covington;

An act to incorporate the Louisville and Highland Turnpike Company, in Jefferson county;

An act for the benefit of school district No. 34, in Garrard county;

An act to amend the charter of the Lexington and Winchester Turnpike Company;

An act to amend an act, entitled "An act to incorporate the Vanceburg, Quick's Run, and Concord Turnpike Road Company," approved December 17th, 1867;

An act to incorporate the Moore and Noland Turnpike Road Company;

An act to amend an act, entitled "An act to incorporate the Lincoln and Boyle Turnpike Road Company;"

An act to amend an act, entitled "An act to amend and reduce into one the several acts in regard to the town of Columbia;"

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Casey reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing that they had concurred in the report of the joint committee of conference in relation to the disagreement between the two Houses as to an amendment proposed by the House of Representatives to chapter 55, title "Inclosures and Certain Trespasses."

A message was also received from the House of Representatives, announcing that they insisted upon their proposed amendment to section 1, line 15.

The 15th line of said section reads: Adjutant General, "five" hundred dollars.

The House proposed to strike out "five" and insert "twelve."

The question was then taken on receding from the disagreement, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hargis and Hawes, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	I. L. Hyatt,
James B. Casey,	Jesse C. Gilbert,	John W. Johnson,
James F. Clay,	D. R. Haggard,	A. L. Martin,
G. W. Connor,	H. S. Hale,	Alfred T. Pope,
John E. Cooper,	Thomas F. Hargis,	A. G. Talbott,
J. H. Dorman,	J. B. Haydon,	Ben. J. Webb,
William P. Duvall,	G. A. C. Holt,	Emery Whitaker—21.

Those who voted in the negative, were—

E. P. Campbell,	F. W. Darby,	Edwin Hawes,
Wm. L. Conklin,	W. W. Frazer,	William Johnson—6.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report, viz: chapter 96, "Revenue and Taxation."

Mr. Gilbert moved to amend section 1, article 8, of said chapter, which reads as follows, viz:

§ 1. The sheriff, by virtue of his office, shall be collector of the revenue. If he fail or refuse to execute bond, with surety, as required by law, for the collection of the revenue, he shall forfeit his office. A quietus by the Auditor, for the revenue tax for the preceding year, shall be produced by each sheriff to the county court, at the January, February, or March term.

In line 6, strike out the words "January, February, or March," and insert in lieu thereof the words "April, May, or June."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Campbell and Conklin, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	W. W. Frazer,	John W. Johnson,
James B. Casey,	John J. Gatewood,	Alfred T. Pope,
James F. Clay,	Jesse C. Gilbert,	W. H. Sneed,
F. W. Darby,	Edwin Hawes,	A. G. Talbott,
William P. Duvall,	G. A. C. Holt,	Ben. J. Webb—16.
W. McKee Fox,		

Those who voted in the negative, were—

John S. Barlow,	Thomas F. Hargis,	Wm. Johnson,
Wm. L. Conklin,	J. B. Haydon,	A. L. Martin,
John E. Cooper,	I. L. Hyatt,	Emery Whitaker—10.
J. H. Dorman,		

On motion of Mr. Hale, the 10th section, as printed, of article 8, was stricken out, and a substitute adopted in lieu thereof.

The 11th section, as printed, was also amended.

Article 9 was amended, on motion of Mr. Gilbert, by adding a section.

Same article was amended, on motion of Mr. Darby, by adding an additional section.

The chapter was then adopted.

Chapter 97, title "Small-pox," was amended and adopted.

Chapter 98, title "Sureties and Co-Obligors," was adopted.

Chapter 99, title "Surveyors," was adopted.

Chapter 100, title "Treasury Warrant Claims," was then taken up.

The question was taken on the adoption of the amendment proposed by the committee, it being an addition to section 2, and in these words: "But no one person shall, under this chapter, enter, survey, or cause to be patented, more than two hundred acres of land in any one county," and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conklin and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	William P. Duvall,	J. B. Haydon,
E. P. Campbell,	W. W. Frazer,	John W. Johnson,
Wm. L. Conklin,	D. R. Haggard	Wm. Johnson,
John E. Cooper,	Thomas F. Hargis.	Ben. J. Webb,
J. H. Dorman,	Edwin Hawes,	Emery Whitaker—15.

Those who voted in the negative, were—

James B. Casey,	F. W. Darby,	H. S. Hale,
James F. Clay,	John J. Gatewood,	A. L. Martin,
G. W. Connor,	Jesse C. Gilbert,	W. H. Sneed—9.

The chapter was then adopted.

Chapter 101, title "Taverns, Tippling-Houses, &c.," was adopted.

The following message was received from the House of Representatives, viz:

The House adopted, *without amendment*, the following chapters of the proposed Revision of the Statutes, as reported from the Senate, to-wit:

Chapter 90, title "Roads and Passways."
Chapter 93, title "Secretary of State."
Chapter 94, title "Sergeant."
Chapter 95, title "Sheriffs."

Mr. Conklin, from a committee of conference, made the following report, viz:

The undersigned committee of conference, appointed upon the disagreement of the two Houses of the General Assembly, on the second section

(now the first) of article 4, chapter 55, entitled "Inclosures and Certain Trespasses," respectfully report that the House do recede from its amendment, striking out the word "not," in the beginning of line three of said section, and that the same remain as part of the section.

THOS. F. HARGIS,
JOHN E. COOPER,
WM. L. CONKLIN,
JOHN P. ROWLETT,
THOS. M. JOHNSON.

Which was concurred in by the Senate.

And then the Senate adjourned.

SATURDAY, APRIL 12, 1873.

A message was received from the House of Representatives, announcing that they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of J. B. Otter, of Edmonson county.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act providing compensation for the services of W. R. Bradley in the defense of the action of the State of Missouri against the State of Kentucky for the recovery of Wolf Island.

An act exempting the county of Hart from erecting fire-proof vaults in said county.

An act to provide for the registration of bonds and obligations issued by counties, districts, municipal corporations, and other corporations.

An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March 16th, 1869.

An act to legalize the proceedings of the president and directors of the Danville and Hustonville Turnpike Road Company.

With an amendment to the last named bill.

Which was twice read and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Butler, Grayson, and Edmonson," approved March 28th, 1872.

2. An act to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth," approved March 22d, 1873.

3. An act to amend the charter of the city of Bowling Green.

4. An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Madisonville," approved February 13th, 1873.

5. An act for the benefit of John W. Duncan, collector of the revenue due from Wayne county for the years 1863 and 1864.

6. An act to regulate official advertisements of sales of master commissioners and sheriffs in the county of Jessamine.

7. An act to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company.

8. An act to amend an act, entitled "An act to reduce into one the several acts in relation to the city of Frankfort, and for other purposes."

9. An act to incorporate Asher Lodge, No. 531, of Free and Accepted Masons.

10. An act to incorporate the Lancaster Building and Loan Association.

11. An act to amend an act, entitled "An act to reduce into one the several acts in regard to the town of Lancaster, and for other purposes," approved March 9th, 1867.

12. An act to amend an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association."

13. An act to repeal an act, entitled "An act to amend the charter of the Danville and Hustonville Turnpike Road Company," approved February 24th, 1870.

14. An act to enable any constable of Washington county to execute final process from certain courts.

15. An act for the benefit of Henry C. Fitzpatrick, collector of the revenue for Floyd county for the year 1870.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, and 8th to the Committee on Propositions and Grievances; the 6th and 11th to the Committee on the Judiciary; the 7th and 13th to the Committee on Internal Improvement; the 9th, 10th, and 12th to the Committee on Agriculture and Manufactures, and the 3d, 4th, 5th, 14th, and 15th were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was also received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to suppress the selling or giving to minors spirituous, vinous, or malt liquors in the city of Covington.

An act to amend an act, entitled "An act to amend and make into one the several acts relating to the charter and amendments thereto of the town of Mount Sterling," approved March 18th, 1871.

Title changed by adding: "and to repeal chapter 262."

Mr. Gilbert presented the petition of sundry citizens of the town of Benton, in Marshall county, praying the repeal of the authority for the issuing of coffee-house and saloon license in said town.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

A message in writing was received from the Governor by Mr. Craddock, Secretary of State.

Said message was taken up and read as follows, viz:

State of Kentucky, Executive Department,
Frankfort, April 12, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

W. W. Agnew, Lewis county.
William S. Lewis, Lewis county.
C. T. Cheek, Barren county.
E. Denning Luxton, Fayette county.
Charles B. Pearce, Mason county.

D. A. Glenn, Kenton county.
H. G. Sandifer, Boyle county.
John T. Milburn, Jefferson county.
John C. Benton, Kenton county.
James L. Auxier, Johnson county.
Samuel T. Hager, Johnson county.
Wm. Stapleton, Johnson county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

A message in writing was also received from the Governor by Mr. Craddock, Secretary of State.

Said message was taken up and read as follows, viz:

State of Kentucky, Executive Department,
Frankfort, April 11, 1873.

Gentlemen of the Senate:

I have given careful consideration to a bill which originated in your honorable body, entitled "An act to amend the articles of incorporation of the Irish Building and Loan Association of Louisville;" and whilst I doubt not that it aims at accomplishing a worthy and laudable purpose, it contains provisions which constrain me to withhold from it my approval. The object of the association purports to be to afford a safe depository for the savings of its members, and to aid them in securing homes, or otherwise advancing their interests. To this end, the bill authorizes said association to acquire and hold real and personal estate, and to sell, lease, and convey the same; also to loan its capital stock and accumulated funds, upon mortgages and liens upon real estate, or upon other securities, if deemed sufficient by two thirds of all the members elect of the board of directors. The association is also authorized to make loans to its members, at such rate of interest, not exceeding ten per cent., as may be agreed upon.

The objectionable feature of the bill, to which I call your attention, is the provision made in section *four:* that "to establish priority of right to a loan, all money which the association may, at any time, have to loan, shall be offered at public outcry, at a meeting of the stockholders, and shall be awarded to the person who offers the highest premium for its use, which *premium, together with the interest, shall be paid by the borrower to the association at the time and in the manner that the by-laws may prescribe.* By this provision the association is authorized to loan its money at any rate of interest whatever; for the premium, which is made collectable by law, is simply a mode of increasing the rate of interest to any extent whatever. The association is thus invested with a privilege which transcends the provisions and restrictions contained in the general law concerning interest and usury, applicable to corporations and individuals in the State.

I have already had occasion to discuss this matter, in my message of March 19, to the House of Representatives, which accompanied the return of a bill for the benefit of the People's Building and Loan Association of Louisville, containing a similar legislation; and the reasons which induced me to withhold my approval of that bill, are of equal force against this. I therefore respectfully return the bill for your further action.

P. H. LESLIE.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the articles of incorporation of the Irish Building and Loan Association, on file in the clerk's office of the Jefferson county court, be, and the same are hereby, so amended that the provisions of this act shall prevail instead of the said articles of incorporation.

§ 2. That John McAteer, Richard Bannon, B. E. Cassilly, Ed. White, J. Louis Brady, John Shelly, John Langan, I. Kavanaugh, Patrick Shea, John Hay, Hugh Burns, Wm. O'Connor, T. W. McNally, John Callaghan, James Burke, their associates and successors, are hereby created a body-politic and corporate, under the name and style of the Irish Building and Loan Association, and under that name and style shall have succession, may sue and be sued, may plead and be impleaded, may contract and be contracted with, as fully, and to all intents and purposes, as a natural person; may adopt and use a common seal, and the same may alter and renew.

§ 3. The object of the association shall be to afford a safe depository for the savings of its members, and to aid them in securing homes, or otherwise advancing their interests.

§ 4. The association may acquire and hold real and personal estate, and may sell, lease, and convey the same; may loan its capital stock and its accumulated funds upon mortgages and liens upon real estate, or upon other securities, if deemed sufficient by two thirds of all the members elect of the board of directors. Loans may be made to a member of the association, at such rate of interest, not exceeding ten per cent. per annum, as may be agreed upon. To establish priority of right to a loan, all money which the association may, at any time, have to loan, shall be offered at public outcry, at a meeting of the stockholders, and shall be awarded to the person who offers the highest premium for its use; which premium, together with the interest, shall be paid by the borrower to the association, at the time and in the manner that the by-laws may prescribe. Each stockholder shall be entitled to a loan of two hundred dollars for each share of stock held in the association. A loan may be repaid before it becomes due in the manner prescribed by the by-laws.

§ 5. The capital stock of this association shall be five hundred thousand dollars, divided into shares of two hundred dollars each, and may be issued in one or more series, as the directors may determine.

§ 6. No stockholder shall own more than ten shares of stock. Women and minors may hold stock, and manage and dispose of their shares through a trustee or guardian. Shares of stock shall be personal property, and may be transferred upon the books of the association. Each stockholder shall be entitled to one vote in the association, and no more. The private property of stockholders shall be exempt from the debts of the corporation, but each stockholder shall be liable to the amount of the value of his shares. Each stockholder shall pay an initiation fee of twenty-five cents for each share of stock subscribed for, and an amount equal to what any other stockholder has paid on a corresponding number of shares up to the date of subscription, and shall thereafter pay one dollar per month for each share of stock, together with such fines and penalties as may have been incurred, and as may be prescribed by the by-laws. When a stockholder wishes to withdraw, he shall give one month's notice, in writing, to the recording secretary, when he shall be entitled to receive, after first paying all dues to the association, the amount of money remaining to his credit, together with interest at the rate of six

per cent. per annum, on an average calculation of time. No stock shall be forfeited to the association.

§ 7. The financial and prudential management of the association shall be under the control and direction of a board of directors, fifteen in number, a majority of whom shall be a quorum for the transaction of business, except as herein provided. They shall be elected annually, by written or printed ballots, by the stockholders. The officers of the association shall consist of a president, vice president, treasurer, a recording and a financial secretary. All officers shall be elected for one year, and until their successors are elected and qualified. No person shall be eligible for director or officer who is an officer in any other similar association. The president, vice president, and treasurer, shall be elected from among the directors. The officers may receive such compensation for their services, and shall give such bond and securities, as the directors determine.

§ 8. The board of directors may make such by-laws, for the government of the association, as they may, from time to time, deem necessary; provided, however, that no by-law may be enacted, altered, or repealed, unless notice has been given at the preceding monthly meeting. Meetings of the directors and stockholders shall be held monthly, at such time and place as the directors may determine. The directors shall have power to pass by-laws, providing for the assessment and collection of fines and penalties, and may designate and employ such agents as they may deem necessary for carrying out the purposes of the association. The approval of two thirds of the directors present shall be required to adopt a new by-law, or to alter or repeal an established one.

§ 9. The present directors and officers of the said association shall retain their places for the time for which they have been elected.

§ 10. This act shall take effect from and after its passage.

The question was then taken, "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" and it was decided in the negative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

In the affirmative, W. McKee Fox—1.

Those who voted in the negative, were—

John S. Barlow,	John J. Gatewood,	I. L. Hyatt,
E. P. Campbell,	Jesse C. Gilbert,	John W. Johnson,
James F. Clay,	H. S. Hale,	Wm. Johnson,
Wm. L. Conklin,	Edwin Hawes,	A. L. Martin,
G. W. Connor,	J. B. Haydon,	A. G. Talbott,
William P. Duvall,	G. A. C. Holt,	Ben. J. Webb—19.
W. W. Frazer,		

So said bill was rejected.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Wm. Johnson, from the Committee on the Judiciary—

A bill amending an act approved February 6th, 1873, entitled "An act partitioning the Fairfield and Samuel's Depot Turnpike Road,

and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company, and the Samuel's Depot and Cox's Creek Turnpike Road Company."

By same—

A bill for the benefit of Simon Humphrey, late sheriff of Nelson county.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

A bill to prohibit the retail of spirituous, vinous, or malt liquors in the towns of Hudsonville, Constantine, and Cross Roads, in Breckinridge county, or any part of said county, within six miles of either of said towns.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

A bill for the benefit of Thomas P. Cardwell and Wm. Spencer, of Breathitt county.

By Mr. Holt, from a select committee—

A bill to authorize the United States to condemn land in the city of Covington as a site for its public buildings.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration the resolution heretofore offered by Mr. Barlow in relation to a final adjournment of this General Assembly.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Monday, the 14th of April, 1873, they will adjourn *sine die*.

Mr. Holt then moved to amend said resolution by striking out "Monday, the 14th of April, 1873," and inserting in lieu thereof "Friday, the 18th of April, 1873."

Mr. Hawes moved to amend said resolution by striking out the "14th of April," and inserting in lieu thereof the "2d of May."

Mr. Frazer moved to amend said resolution by striking out the "14th of April," and inserting in lieu thereof "Tuesday, the 22d of April."

The question was first taken on the motion made by Mr. Hawes, and it was decided in the negative.

The question was then taken on the motion made by Mr. Frazer, and it was decided in the negative.

The question was then taken on the motion made by Mr. Holt, and it was decided in the affirmative.

The question was then taken on the adoption of the resolution, as amended, and it was decided in the affirmative.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

An act to incorporate the Mt. Olivet Encampment, No. 55, Independent Order of Odd Fellows, at Greenville;

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act for the benefit of W. W. Smith, J. D. Royse, and C. H. Jones;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Clay, from the Committee on the Judiciary—

An act to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county."

By Mr. Duvall, from the Committee on Internal Improvement—

An act to empower the county court of Mercer county to make subscription to capital stock in turnpike roads in Mercer county.

By Mr. Hawes, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous or intoxicating liquors at Mercer's Station, in Muhlenburg county.

By same—

An act to authorize a vote upon the sale of liquor in Highland, Lincoln county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to charter the Dozier Mountain Coal Company.

By Mr. Clay, from the Committee on the Judiciary—

An act in relation to persons convicted of penal offenses in Union county.

By Mr. Talbott, from the Committee on Railroads—

An act for the benefit of the Paducah and Northeastern Railroad Company.

By Mr. Gatewood, from the Committee on Education—

An act to amend an act, entitled "An act for the benefit of school district No. 16, in Larue county."

By Mr. Frazer, from the Committee on Education—

An act to amend an act, entitled "An act for the benefit of common schools in Bracken county."

By Mr. Gatewood, from the Committee on Education—

An act to incorporate the Columbia Christian College.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act to incorporate the Mount Sterling Gas-light Company.

By same—

An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Madisonville," approved February 13th, 1873.

By same—

An act to amend the charter of the city of Covington.

By same—

An act to amend an act to charter the town of Prestonville, in Carroll county.

By same—

An act to incorporate the Forest Hill Building and Loan Association, of West Covington.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to regulate the pay of the members of the court of claims of Todd county.

By same—

An act in relation to the sheriff of Calloway county.

By Mr. Clay, from the Committee on Railroads—

An act to amend the charter of the Newport and Dayton Street Railway Company.

By Mr. Clay, from the Committee on the Judiciary—

An act for the protection of sheep in Bracken county.

With amendments to the last two named bills.

Which were adopted.

Ordered, That said bills, the last two named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid, except that of the last, which is changed so as to read,

An act to impose an additional tax on dogs in Bracken county.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had passed a bill, which originated in the House of Representatives, entitled

An act to amend an act to prohibit the sale of spirituous and intoxicating liquors in Rockcastle county, approved March 1st, 1870.

And the question being taken on reconsidering said vote, it was decided in the negative.

On motion of Mr. Connor, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the House of Representatives, entitled

An act to amend an act incorporating the Cincinnati, Covington, and Cumberland Gap Railroad Company, approved March 11th, 1867.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Connor then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was adopted.

Ordered, That said bill be recommitted to the Committee on Railroads.

A message was received from the House of Representatives, announcing that they insisted upon their 4th and 18th proposed amendments to the chapter, title "Crimes and Punishments."

The Senate then receded from their disagreement to the 4th proposed amendment of the House, but insisted upon their disagreement to the 18th.

Upon which, after an interchange of messages between the two Houses, a committee of conference was appointed to settle said disagreement.

The committee on conference, after a short time, made the following report, viz:

The joint committee of conference, to whom was referred the subject of the disagreement of the Senate and House of Representatives upon the 18th amendment to chapter 30, title "Crimes and Punishments," proposed by the House of Representatives, respectfully recommend the adoption of the following as a substitute therefor:

§ 5. Carrying concealed deadly weapons shall be lawful in the following cases: 1st. When the person has reasonable grounds to believe his person or the person of some of his family, or his property, is in imminent danger from violence or crime. 2d. By sheriffs, constables, marshals, policemen, and other magisterial officers, when necessary for their protection in the discharge of their official duties.

[Signed] A. L. MARTIN,
Chairman Senate Committee.
WALTER EVANS,
Chairman House Committee.

The question was then taken on the adoption of the report of the conference committee, and it was decided in the affirmative.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report, viz: chapters 102, 103, 104, 105, 106, 107, 108, 109, 110, 111.

Which were taken up and severally adopted.

And then the Senate adjourned.

MONDAY, APRIL 14, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of school district No. 1, of Metcalfe county.

An act to amend an act, entitled "An act to incorporate the Princeton, Marion, and Ohio River Railroad Company," approved March 28th, 1872.

An act to incorporate the Henderson Building and Loan Association.

An act repealing the charter of the St. Matthew's and Goose Creek Turnpike Road Company.

An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

An act to amend section fourteen of article five of the charter of the city of Hopkinsville, passed March 5th, 1870.

An act to incorporate the Central Club.

An act to prohibit the sale of spirituous, vinous, or malt liquors at Island Station, or within two miles thereof, in McLean county.

An act to authorize the United States to condemn land in the city of Covington as a site for their public buildings.

An act to repeal an act, entitled "An act to authorize the trustees of school district No. 2, in Hickman county, to levy and collect a tax for school purposes."

An act to charter the public schools of Falmouth and district No. 1, in Pendleton county.

With amendments to the last two named bills.

Which were taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to amend an act, entitled "An act for the benefit of Kenton county."

2. An act to establish and incorporate the town of Stroud City, in Muhlenburg county.

3. An act to establish an additional justices' district in Shelby county.

4. An act for the benefit of Spencer King, sheriff of Bell county.

5. An act for the benefit of common school district No 34, in Bracken county.

6. An act to repeal an act, entitled "An act for the benefit of common school district No. 31, in Bullitt county," approved March 15th, 1871.

7. An act repealing an act in regard to common schools in Carrollton, in Carroll county.

8. An act to prohibit the submission of the question of taxation for railroad purposes in the county of Henry.

9. An act to define the line between the counties of Clay and Perry.

10. An act to amend section 191 of act revising the charter of the city of Paducah, Kentucky, approved March 27th, 1872.

11. An act to amend section 153, title "City Tax Collector, of an act revising the charter of the city of Paducah, Kentucky, approved March 27th, 1872.

12. An act repealing an act preventing the setting of nets, seining, &c., in the streams, or parts of streams, in the counties of Trimble and Carroll.

13. An act for the benefit of school district No. 3, in Franklin county.

14. An act to authorize the Garrard county court to appropriate money to aid in building a hospital for small-pox patients, and to levy a tax therefor.

15. An act for the benefit of A. J. Cocanaugher, late sheriff of Washington county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 3d, 10th, and 11th to the Committee on Courts of Justice; the 4th and 15th to the Committee on Finance; the 5th, 6th, and 7th to the Committee on Education; the 8th to the Committee on Railroads; the 9th and 12th to the Committee on Propositions and Grievances, and the 2d, 13th, and 14th were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The following petitions were presented, viz:

By Mr. Gatewood—

1. The petition of T. J. Smith, C. C. Patterson, John H. Mallory, and H. C. Hines, of Warren county, praying the passage of an act for their benefit.

By Mr. Haggard—

2. The petition of sundry citizens of the town of Burksville, praying the repeal of the law prohibiting the sale of spirituous liquors in said town.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Propositions and Grievances, and the 2d to the Committee on Religion and Morals.

Mr. Dorman moved the following resolutions, viz:

WHEREAS, The Constitution of the United States guarantees to every State a republican form of government; and whereas, the will of the people, freely and fairly expressed at the ballot-box, is the fundamental principle of our political system, and the people of a free and sovereign State have the inalienable right to choose their representatives and designate those who shall fill the offices within their gift; and whereas, a Federal District Judge, in our sister sovereign State of Louisiana, has recently, by a usurpation of political authority, supported by Federal bayonets, seized upon the building used as a State House by the Government of that Commonwealth, and excluding from it the legislators lawfully elected by the people, and admitting others recognized by himself, thereby set aside the Government elect, and established in its stead a species of proconsular government, by which the lawful Governor of the State was suspended from office; and whereas, the President of the United States has unwarrantably interfered with the State Government of Louisiana in setting aside the Legislature and State officers chosen by the lawfully expressed will of the people, and now sustains, by the force and menace of Federal troops, a sort of provincial government set up by usurpation, force, fraud, and perfidy; therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That, in so doing, the President has assumed powers not delegated, and utterly at variance with the spirit and letter of the Constitution of the United States; that the exercise of such assumed powers is subversive of the sovereignty and rights of the States, and necessarily tends to make them mere dependencies upon the General Government.

2. That the constitutional rights and liberties of all the States are imperiled by this invasion of them in a sister State, and that each should sternly rebuke the exercise of such assumed powers, so fatal to the just relations which should always exist between the Federal and State Governments.

3. That the President of the United States has no right or authority to order, permit, suffer, or give countenance to the interference of United States troops in the affairs or duties of a State of which the General Government has no constitutional provision, and in which it cannot interfere except upon application of the Legislature or the Executive of the State, as contemplated by the fourth section of the fourth article of the Constitution of the United States.

4. That a State Government derives none of its powers from the United States, nor are its duties, rights, and privileges subject, in any respect, to the consent or discretion of the President, who can in nowise enlarge, abridge, or interrupt them, either by assuming them himself or by intrusting them to others.

5. That the General Government is a government exclusively of delegated powers, and whilst the people owe obedience to it in all its acts within the sphere of its granted powers—in the exercise of which it is supreme—the States, on the other hand, possess inherent sovereignty in and over all matters wherein their powers have not been delegated to the General Government; and to the people of each State is especially reserved the inalienable and exclusive right to regulate, control, and manage their internal and domestic affairs, subject only to such special and well-defined exceptions as are established by the Constitution of the United States; and any act of the General Government infringing upon, or denying the right to exercise these powers, is usurpation, against which the people of the States ought to enter their solemn protest, feeling that their interest, honor, peace, safety, and prosperity are involved and endangered in every such assault upon these reserved rights, which underlie the genius of our form of government, and the maintenance of which is essential to life, liberty, and the pursuit of happiness.

6. That we hereby request and instruct our Senators and Representatives of the Congress of the United States to give all proper aid in supporting the appeal proposed to be made by the people of Louisiana for a redress of their grievances.

The rule requiring said resolutions to lie one day on the table being dispensed with, said resolutions were then taken up, twice read, and ordered to be printed, and made the special order of the day for Wednesday, April 16th, 1873.

Leave was given to bring in the following bills, viz:

On motion of Mr. Gilbert—

1. A bill for the benefit of school district No. 27, in Ballard county.

On motion of Mr. Barlow—

2. A bill for the benefit of R. B. Evans, of Barren county.

On motion of Mr. Haggard—

3. A bill to increase the salaries of the four inferior clerks in the Auditor's Office.

Ordered, That the Committee on Education prepare and bring in the 1st; the Committee on Finance the 2d, and the Committee on Propositions and Grievances the 3d.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Hargis, from the Committee on the Judiciary—

A bill to extend the time of signing the bill of exceptions in the case of Carlisle Hunt's heirs vs. Elisha Long and Elizabeth Gray, in Greenup circuit court.

By Mr. Haggard, from the Committee on Internal Improvement—

A bill to incorporate the Mayslick and Mill Creek Turnpike Road Company, in Mason county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill to prevent the destruction of fish in Green and Barren rivers.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Duvall, from the Committee on Internal Improvement—

An act to provide for notice before toll-gates on turnpike roads shall be thrown open;

By Mr. Clay, from the Committee on the Judiciary—

An act to amend an act, entitled "An act to reduce into one the several acts in regard to the town of Lancaster, and for other purposes," approved March 9th, 1867;

By same—

An act to regulate advertisements of sales of sheriffs and master commissioners in the county of Jessamine;

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to amend an act, entitled "An act to amend the charter of the city of Dayton," approved —, 1873;

With the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth," approved March 22d, 1873.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous or vinous liquors in Nicholas county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to amend an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association."

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to incorporate a Steam Ferry Company at the head of Island No. 1, on the Mississippi river, in Ballard county.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to authorize the county court of Harrison county to appropriate money towards building a bridge on the Cynthiana and Ashbrook's Mills Turnpike Road.

By same—

An act to amend an act, entitled "An act to incorporate the Paducah, Blandville, and Columbus Gravel Road Company."

By Mr. Sneed, from the Committee on Finance—

An act for the benefit of Joseph T. Ratliffe, sheriff of Pike county, for the year 1871.

By same—

An act for the benefit of A. Portwood, sheriff of Anderson county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act for the protection of property on Tennessee river.

By same—

An act to change the county line of Pulaski and Rockcastle counties.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to prohibit the sale of spirituous, vinous, or malt liquors in Lincoln county, and to take a vote on the same.

By same—

An act to resubmit an act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof, approved February 28th, 1872.

By Mr. Darby, from the Committee on Courts of Justice—

An act to change the boundary line of the town of Clinton, in Hickman county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate Asher Lodge, No. 531, of Free and Accepted Masons.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Talbott moved to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Mt. Olivet Encampment, No. 55, Independent Order of Odd Fellows, at Greenville.

Which motion was adopted.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the Senate, entitled

An act to amend an act, entitled "An act to change the time of holding circuit courts in the fifth judicial district," approved January 13th, 1872.

Which was granted.

On motion of Mr. J. W. Johnson, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of said bill.

Which was granted, and said bill was handed in at the Clerk's desk.

Mr. J. W. Johnson then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was adopted.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, was reconsidered.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled "An act to change the time for holding the circuit courts in the fifth judicial district," approved January 13, 1872, be, and the same is hereby, so amended as to provide that the circuit court, in the county of Ohio, shall commence on the second Monday in November, 1873, and on the second Monday in May, 1874, and on the same days in each year thereafter, and continue eighteen juridical days at each term, if the business of the court require it.

§ 2. That the circuit court, in the county of Daviess, shall commence on the first Monday in December, 1873, and on the first Monday in June, 1874, and on the same days in each year thereafter, and continue forty-two juridical days, if the business of the court require it.

Mr. J. W. Johnson then proposed the following amendment as a substitute for said bill, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled "An act to change the time for holding the circuit courts in the fifth judicial district," approved January 13th, 1872, be, and the same is hereby, so amended as to provide that the circuit court in the county of Ohio, shall be commenced on the second Mondays in May and November, and continue eighteen juridical days, if the business of the court requires it.

§ 2. That the circuit court in the county of Daviess shall be commenced on the first Mondays in June and December, and continue forty-two juridical days, if the business of the court requires it.

§ 3. All processes and precepts issued in the county of Daviess, and made returnable to the terms of the Daviess circuit court, as heretofore fixed, shall be returnable to the terms of said court as fixed by this act; and in all actions and proceedings, in which the processes and precepts have been made returnable to the May term of said court, such actions and proceedings shall stand for trial at the June term fixed by this act.

§ 4. This act shall be in force from its passage.

And the question being taken on the adoption of said amendment as a substitute, it was decided in the affirmative.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hawes and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	John W. Johnson,
James F. Clay,	W. W. Frazer,	A. L. Martin,

Wm. L. Conklin,	John J. Gatewood,	O. D. McManama,
G. W. Connor,	D. R. Haggard,	W. H. Sneed,
J H. Dorman,	Thomas F. Hargis,	A. G. Talbott,
William P. Duvall,	J. B. Haydon,	Ben. J. Webb—18.

Those who voted in the negative, were—

E. P. Campbell,	H. S. Hale,	Edwin Hawes—4.
Jesse C. Gilbert,		

Resolved, That the title of said bill be as aforesaid.

A message was received from the Governor by Mr. Craddock, Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend chapter 28 of the Revised Statutes, title "Crimes and Punishments."

An act for the benefit of married women in this Commonwealth.

An act to incorporate the Woolen Manufacturing Company.

An act to authorize Mary Boyd to erect cattle-stops across John's creek, in Pike county.

An act in relation to the fees of officers in certain cases.

An act to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9th, 1868.

An act to incorporate the Ohio and Red River Packet Company.

An act to amend an act, entitled "An act to incorporate the Deposit Bank of Henderson."

An act to incorporate the Grand Division of Sons of Temperance.

An act to incorporate the Christian Church at Warsaw.

An act to incorporate the Oakland Cemetery Company.

An act for the benefit of Browder Institute, in Logan county.

An act to amend the charter of the Farmers' Bank of Kentucky.

An act to amend the charter of, and to authorize the city of, Mayfield to subscribe and pay for stock in the Cairo and Tennessee River Railroad Company.

Mr. Haggard, from the Committee on Claims, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to pay expenses for certain services rendered by the Sergeant-at-Arms of the House of Representatives,

Reported the same with an amendment.

Said bill reads as follows, viz:

Whereas, An investigation by a special committee of the House of Representatives, in regard to certain rumors as to the Feeble-minded Institute; and that the expenses of said investigation committee, including mileage and per diem of witnesses, amount to the sum of four hundred and twenty dollars and thirty-seven cents ($420 37); therefore

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts draw his warrant on the Treasurer, in favor of R. A. Thomson, for the sum of four hundred and twenty dollars and thirty-seven cents ($420 37), to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

The amendment reads as follows, viz:

Strike out "four hundred and twenty dollars and thirty-seven cents," and insert "two hundred and seventy dollars and thirty-seven cents."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	J. B. Haydon,
E. P. Campbell,	W. W. Frazer,	Wm. Johnson,
James F. Clay	John J. Gatewood,	A. L. Martin,
Wm. L. Conklin,	Jesse C Gilbert,	O. D. McManama,
G. W. Connor,	D. R. Haggard,	W. H. Sneed,
F. W. Darby,	H. S. Hale,	A. G. Talbott,
J. H. Dorman,	Thomas F. Hargis,	Ben. J. Webb—22.
Wm. P. Duvall,		

In the negative, Edwin Hawes—1.

Resolved, That the title of said bill be as aforesaid.

Mr. Sneed, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Sanford Goin, of Franklin county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts is hereby directed to

draw his warrant on the Treasury in favor of Sanford Goin, of Franklin county, for three hundred dollars ($300), for ice furnished for State offices, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

E. P. Campbell,	John J. Gatewood,	William Johnson,
James F. Clay,	Jesse C. Gilbert,	A. L. Martin,
Wm. L. Conklin,	D. R. Haggard,	O. D. McManama,
G. W. Connor,	H. S. Hale,	W. H. Sneed,
F. W. Darby,	Edwin Hawes,	A. G. Talbott,
William P. Duvall,	J. B. Haydon,	Ben. J. Webb—20.
W. McKee Fox,	John W. Johnson,	

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	Thomas F. Hargis—4.
J. H. Dorman,		

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to amend the charter of the town of Lancaster."

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

Ordered, That said bill be committed to the Committee on the Judiciary.

The following message was received from the House of Representatives, viz:

The House of Representatives have adopted, *without amendment*, the following chapters of the proposed Revision of the Statutes, viz:

Chapter 97, title "Small-pox."
Chapter 98, title "Sureties and Co-Obligors."
Chapter 99, title "Surveyors."
Chapter 100, title "Treasury Warrant Claims."
Chapter 101, title "Taverns, Tippling-houses, &c."
Chapter 102, title "Master and Apprentice."
Chapter 103, title "Strays."
Chapter 104, title "Seal of the Commonwealth and of the Secretary of State."
Chapter 105, title "Towns."

Chapter 106, title "Treasurer."
Chapter 107, title "Turnpike, Gravel, and Plank Roads."
Chapter 108, title "Vagrants."
Chapter 109, title "Weights and Measures."
Chapter 110, title "Wills."
Chapter 111, title "Library of the Commonwealth and Librarian."

They have adopted the report of the joint committee of conference, in relation to the disagreement of the two Houses in regard to the amendment proposed by the House to Chapter 30, title "Crimes and Punishments."

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report, viz: chapter 112, title "Fees," chapter 113, title "Revenue Agent," and chapter 114, title "Sinking Fund."

Which were taken up and adopted by the Senate.

And then the Senate adjourned.

TUESDAY, APRIL 15, 1873.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend an act approved March 28th, 1872, authorizing sheriffs to sell real estate to pay revenue taxes.

An act to repeal the fourth section of an act, entitled "An act to incorporate the Lee County Lumbering, Mining, and Manufacturing Company."

An act to incorporate the Dry Ridge, Knoxville, and Demossville Turnpike Road Company.

An act to incorporate the Harlan County Mining and Railroad Company.

An act for the benefit of C. M. Hanks and Samuel Spradlin, of Wolfe county.

An act to amend the charter of the Eminence and Fox Run Turnpike Road Company.

An act for the benefit of Perry Jefferson, sheriff of Mason county.

An act for the benefit of John M. Martin, sheriff of Jefferson county.

An act for the benefit of G. T. Strong, sheriff of Breathitt county.

An act to amend chapter 102, entitled "Treasury Warrant Claims," of the Revised Statutes.

With an amendment to the last named bill.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act defining the boundary line between the counties of Clay and Bell.

2. An act to declare the lower long branch of Grassy creek, in Morgan county, a navigable stream, from its mouth to opposite the school-house on the lands of Jackson Goodpasture.

3. An act to declare Rock House Fork of Licking river a navigable stream.

4. An act to declare the State Road Fork of Licking river, in Magoffin county, a navigable stream, from its mouth to John Q. O'Baley's mill.

5. An act to repeal an act, entitled "An act to declare certain lakes and creeks in Ballard county navigable."

6. An act for the benefit of school district No. 17, in Garrard county.

7. An act to amend the charter of the Bryantsville and Cane Run Turnpike Road Company.

8. An act to give validity to the last will and testament of James J. Andrews, deceased, late of Fleming county.

9. An act declaring all that part of Caney Fork of Wolf creek, in Russell county, a navigable stream, that lies between Dick's Branch and Wolf creek.

10. An act fixing the time for the jailers of Cumberland and Clinton counties to enter upon the duties of their offices.

11. An act for the benefit of Nelson Durham, sheriff of Bell county.

12. An act to incorporate the Spinoza Society, of Fayette county.

13. An act to declare Swinge Cat Fork of Big creek, in Pike county, a navigable stream for a distance of four miles from its mouth.

14. An act to amend an act, entitled "An act to incorporate the Simpson County Agricultural and Mechanical Association," approved January 27th, 1868.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, 3d, 4th, 9th, 10th, and 13th to the Committee on Propositions and Grievances; the 5th to the Committee on Courts of Justice; the 6th to the Committee on Education; the 7th to the Committee on Internal Improvement; the 8th to the Committee on the Judiciary; the 11th to the Committee on Finance, and the 12th and 14th to the Committee on Agriculture and Manufactures.

Leave was given to bring in the following bills, viz:

On motion of Mr. J. W. Johnson—

1. A bill to incorporate the Calhoon and Rockport Packet Company.

On motion of Mr. Hyatt—

2. A bill to require all corporations created by or under any law of this Commonwealth to keep their chief office within its limits.

On motion of Mr. Frazer—

3. A bill to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9th, 1868.

On motion of Mr. Webb—

4. A bill to amend the charter of the city of Louisville in regard to the mode of electing chief of the fire department.

Ordered, That the Committee on Agriculture and Manufactures prepare and bring in the 1st, 2d, and 4th, and the Committee on Internal Improvement the 3d.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Whitaker, from the Committee on Courts of Justice—

A bill to amend the fishing laws as pertains to Kentucky river, in Carroll county.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

A bill for the benefit of school district No. 27, in Ballard county.

By Mr. Conklin, from the Committee on Finance—

A bill to appropriate money for the payment of a claim due Henry Dressman, of the city of Covington.

By same—

A bill to appropriate money for the payment of a claim due Thos. Woods, of the city of Covington.

By same—

A bill to appropriate money for the payment of taxes due from the State to the city of Covington.

By Mr. Hale, from the Committee on Finance—

A bill for the benefit of C. B. Wickliffe, sheriff of Muhlenburg county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to incorporate the Calhoon and Rockport Packet Company.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of Wm. R. Williams, of Elliott county.

By same—

An act for the benefit of James Hogg, committee of Nancy Frazer, a pauper idiot, now of Rowan county.

By same—

An act for the benefit of Lewis Plummer, jailer of Lewis county.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to amend an act, entitled "An act for the benefit of Kenton county."

By same—

An act to amend section 153, title "City Tax Collector," of an act revising the charter of the city of Paducah, Kentucky, approved March 27th, 1872.

By same—

An act to amend section 191 of act revising the charter of the city of Paducah, Kentucky, approved March 27th, 1872.

By Mr. Conklin, from the Committee on Finance—

An act for the benefit of A. J. Cocanaugher, late sheriff of Washington county.

By Mr. Gatewood, from the Committee on Education—

An act repealing an act in regard to common schools in Henry county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Lancaster Building and Loan Association.

With an amendment to the last named bill.

Which was adopted.

Ordered, That said bills, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act to amend and reduce into one the several acts in regard to the town of Columbia."

An act affixing penalties and forfeitures upon corporations and persons exercising corporate powers that are required to give bonds, and have failed to do so.

An act to define and enlarge the boundaries of the town of Ashland.

An act to incorporate the town of Pryorsburg, in Graves county.

An act for the benefit of Wm. Cook's heirs.

An act to amend an act, entitled "An act for the benefit of S. W. Thompson and his sureties, late clerk of the Scott county court."

An act to prohibit partnerships to practice law between circuit, chancery, and criminal court clerks and county court clerks.

An act for the protection of bee-keepers in this Commonwealth.

An act to incorporate the town of Peak's Mill, in Franklin county.

An act to incorporate the Maysville Chair Company.

An act to incorporate the Hillsboro and Plummer's Landing Turnpike Company.

An act for the benefit of J. B. Evans, of Monroe county.

An act providing for transcribing the plats, surveys, and certificates of land lying in Magoffin county.

An act to provide for the payment of conveying prisoners to the House of Reform.

An act for the benefit of R. T. McGlauling.

An act authorizing the counties of Montgomery, Clark, and Bath to sell a part or all of the stock owned by such counties, or either of them.

An act to incorporate the town of Hickory Grove, in Graves county.

An act to establish a school district from parts of Fayette and Madison counties.

An act to incorporate the Louisville and Highland Turnpike Company, in Jefferson county.

An act to incorporate the Moore and Noland Turnpike Road Company.

An act to amend an act, entitled "An act to incorporate the Lincoln and Boyle Turnpike Road Company."

An act to incorporate the Rothrock Coal and Mining Company, of Muhlenburg county.

Mr. Haggard moved to reconsider the vote by which the Senate had, on yesterday, passed a bill, which originated in the House of Representatives, entitled

An act to change the county line of Pulaski and Rockcastle counties.

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the negative.

So said bill was disagreed to.

Mr. Barlow, from the Committee on Claims, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of S. M. Goble, of Carter county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and is hereby, authorized to draw his warrant on the Treasury, in favor of S. M. Goble, for two hundred and fifty dollars, pay for taking care of Bird Goble (colored) a pauper

lunatic, from the 10th day of October, 1871, until the 10th day of January, 1873, by order of the county court of Carter county.

§ 2. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	William Johnson,
E. P. Campbell,	D. R. Haggard,	A. L. Martin,
James F. Clay,	Thomas F. Hargis,	O. D. McManama,
Wm. L. Conklin,	Edwin Hawes,	K. F. Prichard,
John E. Cooper,	J. B. Haydon,	W. H. Sneed,
F. W. Darby,	G. A. C. Holt,	Ben. J. Webb,
J. H. Dorman,	I. L. Hyatt,	Emery Whitaker—22.
W. W. Frazer,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

On motion of Mr. Cooper, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the Senate, entitled

An act to incorporate the Kentucky and Southeastern Railway Company.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Cooper then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was adopted.

Ordered, That said bill be recommitted to the Committee on Railroads.

The Speaker laid before the Senate the following response of the Insurance Commissioner to a resolution adopted by the Senate, calling on him for certain information connected with his department, viz:

[*For Report—see Legislative Document No.* 23.]

Ordered, That the usual number of copies of said response be printed.

Mr. Whitaker, from the select committee, to whom had been referred the message from the Governor in relation to affairs in the State of Louisiana, made the following report, viz:

[*For Report—see Legislative Document No.* 22.]

Ordered, That two thousand copies of said report be printed, stamped, and enveloped, for the use of the Senate.

Mr. McAfee moved to reconsider the vote by which the Senate had, on yesterday, disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to regulate advertisements of sales of sheriffs and master commissioners in the county of Jessamine.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

Ordered, That said bill be committed to the Committee on Courts of Justice.

The Senate took up for consideration a bill, entitled

A bill to further amend the charter of the Kentucky River Navigation Company.

Ordered, That the further consideration of said bill be postponed till to-morrow at ten o'clock, A. M.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the Senate, entitled

An act to amend the charter of the city of Maysville.

Which was granted.

Mr. Hale, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of J. J. Wood, late sheriff of Clinton county.

Reported the same without amendment.

Ordered, That the further consideration of said bill be postponed till to-morrow.

Mr. Conklin, from the Committee on Finance, to whom was referred leave to bring in a bill, entitled

A bill for the benefit of R. B. Evans, of Barren county,

Asked to be discharged from the further consideration of the leave.

Which was granted.

On motion of Mr. Dorman, a committee was appointed, to act in conjunction with a similar committee appointed by the House of Representatives, to withdraw from the Governor a bill, entitled

An act to charter the Ohio River, Owenton, and Lexington Railway Company.

Messrs. Dorman and Webb were appointed said committee.

On motion of Mr. Martin, a committee was appointed, to act in conjunction with a similar committee appointed by the House of

Representatives, to withdraw from the Governor a bill, which originated in the Senate, entitled

An act to incorporate the Rockcastle Railway Company.

Whereupon Messrs. Martin and Vories were appointed said committee.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit and relief of persons who have paid tax on income from United States bonds, imposed by an act passed and approved March 8th, 1867;

An act for the benefit of R. G. Scott, of Rowan county;

An act to authorize sales and conveyances by trustee under a power;

An act for the benefit of school district No. 30, in Butler county;

An act for the benefit of J. W. Bradburn, of Hardin county, and others;

An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March 16th, 1869;

An act to legalize the proceedings of the president and directors of the Danville and Hustonville Turnpike Road Company;

An act to charter the Southern Land and Construction Company;

An act to incorporate the Tug River Coal Railroad Company;

An act to pay for the erection of a stable for use of Penitentiary;

An act to amend an act, entitled "An act for the benefit of Wm. H. Miller and others, sureties of Q. C. Shanks, late sheriff of Ohio county," approved February 3d, 1870;

An act to incorporate the town of Lynnville, in Graves county;

An act to change the time of holding the Grant county quarterly court;

An act to prevent cattle, horses, sheep, mules, and jennets from running loose on the public highways within a radius of two miles of the Dry Ridge, in Grant county;

An act to incorporate the Henderson Library Association;

An act to provide for the registration of bonds and obligations issued by counties, districts, municipal corporations, and other corporations;

An act to require attachments from other counties to be noted of record in the office of the county clerk of Jefferson county;

An act providing for the collection of the railroad tax in the county of Montgomery;

An act to amend the charter of the town of Danville;

An act providing compensation for the services of W. R. Bradley in the defense of the action of the State of Missouri against the State of Kentucky for the recovery of Wolf Island;

An act to incorporate the Pickett Tobacco Warehouse, of Louisville;

An act exempting the county of Hart from erecting fire-proof vaults in said county;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate Valley Lodge, No. 511, A. Y. M., in Jefferson county;

An act to change the time of holding the circuit, criminal, and chancery courts in the 12th judicial district;

An act to incorporate the Falls City Club of the city of Louisville;

An act to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum;"

An act to incorporate Clay Lodge, No. 1, Knights of Pythias;

An act to amend an act, entitled "An act to amend and make into one the several acts relating to the charter and amendments thereto of the town of Mount Sterling," approved March 18th, 1871, and to repeal chapter 262;

An act to incorporate the American Industrial College;

An act to change the time of holding circuit courts in the 13th judicial district;

An act to incorporate the Oakland Iron Company;

An act to re-enact an act, entitled "An act to incorporate the Boyd County Navigation, Manufacturing, and Improvement Company," approved February 8th, 1871;

An act to incorporate the Immigration Association of Kentucky;

An act to authorize the holding of special chancery courts in the county of Rockcastle;

An act to limit the jurisdiction of the police judge of the town of Dixon, in Webster county;

An act to incorporate the Henderson Water-works Company;

An act for the benefit of common school district No. 1, in the county of Jessamine;

An act for the benefit of Bethel Academy, in the county of Jessamine;

An act to provide for the construction and completion of turnpike roads in Scott county;

An act to exempt certain lands within the corporate limits of the town of Greenup from municipal taxation;

An act for the benefit of Jas. W. Winlock;

An act amending an act approved January 24th, 1871, entitled "An act to amend and reduce into one the several acts in relation to the road laws of Greenup county;"

An act to amend and reduce into one the several acts relating to Stanford Female College;

An act to incorporate the Columbia Christian College;

An act for the benefit of turnpike district No. 2, in Henry county;

An act to empower the county court of Mercer county to make subscription to capital stock in turnpike roads in Mercer county;

An act for the benefit of school district No. 59, in Hart county;

An act to authorize any constable of Washington county to execute final process from certain courts;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Mr. Wm. Johnson, from the Joint Committee on the Revision of the Statutes, made an additional report, viz: chapter —, to adopt the General Statutes.

Mr. McManama moved to amend article 2, line 12, by adding after the word "and," the words "a syllabus."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Prichard and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

Wm. L. Conklin,	D. R. Haggard,	Wm. Johnson,
G. W. Connor,	H. S. Hale,	A. L. Martin,
F. W. Darby,	Edwin Hawes,	O. D. McManama,
J. H. Dorman,	J. B. Haydon,	A. G. Talbott,

William P. Duvall,	G. A. C. Holt,	W. L. Vories,
W. McKee Fox,	I. L. Hyatt,	Ben. J. Webb,
John J. Gatewood,	John W. Johnson,	Thos. Wrightson—22.
Jesse C. Gilbert,		

Those who voted in the negative, were—

John S. Barlow,	John E. Cooper,	K. F. Prichard,
E. P. Campbell,	W. W. Frazer,	W. H. Sneed,
James F. Clay,	Thomas F. Hargis,	Emery Whitaker—9.

The same section was further amended on motion of Mr. Gilbert.

Mr. Gilbert then moved to amend section 5, line 1, by adding after the word "printed," the words "and ready for distribution by September the 1st, 1873."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Holt and Gilbert, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	G. A. C. Holt,
R. A. Burton,	John J. Gatewood,	I. L. Hyatt,
E. P. Campbell,	Jesse C. Gilbert,	John W. Johnson,
James F. Clay,	D. R. Haggard,	Ben. J. Webb,
Wm. L. Conklin,	H. S. Hale,	Emery Whitaker,
John E. Cooper,	J. B. Haydon,	Thos. Wrightson—18.

Those who voted in the negative, were—

F. W. Darby,	Edwin Hawes,	W. H. Sneed,
W. McKee Fox,	William Johnson,	A. G. Talbott,
W. W. Frazer,	A. L. Martin,	W. L. Vories—11.
Thomas F. Hargis,	O. D. McManama,	

The chapter as amended, was then adopted.

Mr. McManama, from the Joint Committee on the Revision of the Statutes, moved the following resolution, viz:

WHEREAS, The Commissioners appointed to revise the Statutes having, under a joint resolution of the two Houses, attended the meetings of the joint committee, and aided it in its work, therefore, be it

Resolved, That this committee recommend to the Legislature that adequate compensation be made them for said additional services.

Ordered, That said resolution be referred to the Committee on Finance.

And then the Senate adjourned.

WEDNESDAY, APRIL 16, 1873.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to pay expenses for certain services rendered by the Sergeant-at-Arms of the House of Representatives.

An act to amend the charter of the Newport and Dayton Street Railway Company.

An act for the protection of sheep in Bracken county.

Title changed, viz:

An act to impose an additional tax on dogs in Bracken county.

An act to amend an act, entitled "An act to establish and maintain a system of public schools in the town of Corydon, in Henderson county."

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act amending an act approved February 6th, 1873, entitled "An act partitioning the Fairfield and Samuel's Depot Turnpike Road, and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company, and the Samuel's Depot and Cox's Creek Turnpike Road Company."

An act for the benefit of Simon Humphrey, late sheriff of Nelson county.

An act to amend the charter of the Louisville and Cane Run Road Company.

An act to amend the charter of the city of Maysville.

With amendments to the last two named bills.

Which were taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to amend the Revised Statutes, chapter 43, article 2, section 4.

2. An act to legalize the action of the Warren county court in borrowing seven thousand dollars for bridge purposes of Warren county.

3. An act to amend an act, entitled "An act to incorporate the Eminence and Mulberry Turnpike Road Company."

4. An act to establish in this Commonwealth a uniform system of common schools for the education of children of African descent.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Revised Statutes and Codes of Practice; the 3d to the Committee on Internal Improvement; the 4th to the Committee on Education, and the 2d was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave of absence, indefinitely, was granted Messrs. Conklin, Campbell, and Casey.

The Senate took up for consideration the amendments proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend chapter 102, entitled "Treasury Warrant Claims," of the Revised Statutes.

Which were twice read and concurred in.

Mr. Hargis, from the Committee on the Judiciary, to whom had been recommitted a bill, entitled

A bill to prohibit the running of logs, wood, or other lumber loose down Licking river,

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be unlawful for any person to run any logs, wood, or other lumber, loose, down Licking river, without rafting the same.

§ 2. For any violation of this act, all parties engaged in such violation shall be fined not less than fifty dollars each, upon indictment before a grand jury. All acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect the 1st day of September, 1873.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Mr. Sneed then moved to postpone the further consideration of said bill till 12 o'clock, M.

And the question being taken on the adoption of said motion, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sneed and Wrightson, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	I. L. Hyatt,	W. H. Sneed,
F. W. Darby,	John W. Johnson,	Ben. J. Webb,
D. R. Haggard	Wm. Johnson,	Thos. Wrightson—11.
Edwin Hawes,	K. F. Prichard,	

Those who voted in the negative, were—

John S. Barlow,	J. H. Dorman,	H. S. Hale,
James F. Clay,	William P. Duvall,	Thomas F. Hargis.
Harrison Cockrill,	W. McKee Fox,	G. A. C. Holt,
G. W. Connor,	John J. Gatewood,	W. L. Vories,
John E. Cooper,	Jesse C. Gilbert,	Emery Whitaker—15.

Mr. Cooper then moved the previous question.

And the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wrightson and Sneed, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. McKee Fox,	G. A. C. Holt,
Harrison Cockrill,	W. W. Frazer,	I. L. Hyatt,
G. W. Connor,	Jesse C. Gilbert,	W. L. Vories,
John E. Cooper,	H. S. Hale,	Ben. J. Webb,
J. H. Dorman,	Thomas F. Hargis,	Emery Whitaker—16.
William P. Duvall,		

Those who voted in the negative, were—

R. A. Burton,	Edwin Hawes,	O. D. McManama,
James F. Clay,	John W. Johnson,	K. F. Prichard,
F. W. Darby,	William Johnson,	A. G. Talbott,
John J. Gatewood,	A. L. McAfee,	Thos. Wrightson—13.
D. R. Haggard,		

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wrightson and Sneed, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	I. L. Hyatt,
Harrison Cockrill,	Jesse C. Gilbert,	A. L. Martin,
G. W. Connor,	D. R. Haggard,	O. D. McManama,
John E. Cooper,	H. S. Hale,	W. L. Vories,
F. W. Darby,	Thomas F. Hargis,	Ben. J. Webb,
J. H. Dorman,	G. A. C. Holt,	Emery Whitaker—19.
William P. Duvall,		

Those who voted in the negative, were—

R. A. Burton,	Edwin Hawes,	K. F. Prichard,
James F. Clay,	John W. Johnson,	W. H. Sneed,
W. McKee Fox,	Wm. Johnson,	A. G. Talbott,
John J. Gatewood,	A. L. McAfee,	Thos. Wrightson—12.

Resolved, That the title of said bill be as aforesaid.

Mr. Cooper then moved to reconsider the vote by which the Senate had passed said bill.

Mr. Hargis moved to lay said motion on the table.

And the question being taken on laying said motion on the table, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McManama and Gatewood, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
Harrison Cockrill,	D. R. Haggard,	K. F. Prichard,
G. W. Connor,	Thomas F. Hargis,	W. L. Vories,
John E. Cooper,	G. A. C. Holt,	Ben. J. Webb,
J. H. Dorman,	I. L. Hyatt,	Emery Whitaker—16.
William P. Duvall,		

Those who voted in the negative, were—

R. A. Burton,	Jesse C. Gilbert,	O. D. McManama,
James F. Clay,	Edwin Hawes,	W. H. Sneed,
F. W. Darby,	John W. Johnson,	A. G. Talbott,
W. McKee Fox,	Wm. Johnson,	Thos. Wrightson—14.
John J. Gatewood,	A. L. McAfee,	

The Senate took up for consideration the resolutions heretofore proposed by Mr. Dorman, entitled

Resolutions in regard to the State of Louisiana.

Ordered, That the further consideration of said resolutions be postponed till to-morrow at — o'clock, A. M.

Leave was given to bring in the following bills, viz:

On motion of Mr. McManama—

1. A bill to incorporate the Falmouth Turnpike Road Company, in Pendleton county.

On motion of Mr. Sneed—

2. A bill to incorporate the Transylvania Steel Railroad Company.

On motion of Mr. Wrightson—

3. A bill for the protection of the proprietors and lessees of the Newport and Cincinnati Ferry.

On motion of same—

4. A bill to charter the Wrightson Printing Company.

On motion of Mr. Cockrill—

5. A bill to change the time of holding the Estill county and quarterly courts.

On motion of same—

6. A bill for the benefit of Henry P. Wiseman, late sheriff of Estill county.

Ordered, That a select committee, consisting of Messrs. Clay, Fox, and McManama, prepare and bring in the 1st; the Committee on Railroads the 2d and 3d; the Committee on Agriculture and Manufactures the 4th; the Committee on Courts of Justice the 5th, and the Committee on Finance the 6th.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Duvall, from the Committee on Internal Improvement—

A bill to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9th, 1868.

By Mr. Vories, from the Committee on Finance—

A bill for the benefit of Alexander Cook and Sarah Cook, of Trimble county.

By Mr. Holt, from the Committee on Military Affairs—

A bill for the benefit of Wm. T. Moore.

By Mr. McManama, from a select committee—

A bill to incorporate the Falmouth Turnpike Road Company, in Pendleton county.

By Mr. Talbott, from the Committee on Railroads—

A bill for the protection of the proprietors and lessees of the Newport and Cincinnati Ferry.

By Mr. Sneed, from the Committee on Railroads—

A bill to incorporate the Transylvania Street Railroad Company.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

A bill to direct the appropriation of the road tax and labor in school district No. 12, in Kenton county.

By Mr. Pope, from the Committee on the Judiciary—

A bill to amend an act, entitled "An act to establish a new charter for the city of Louisville," approved March 3d, 1870.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved the 3d day of March, 1870.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

A bill to prohibit the sale of spirituous, vinous, or malt liquors, or the mixture of either, in Jeffersontown precinct, in Jefferson county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Haggard, from the Committee on Propositions and Grievances, reported a bill, entitled

A bill for the benefit of the five inferior clerks in the Auditor's Office.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby appropriated annually out of the Treasury, to be paid monthly, the sum of eleven hundred dollars, for the benefit of the inferior clerks in the Auditor's office, to be divided as follows: To E. C. Went, C. T. Baird, Geo. T. Duff, and D. H. Smith, and their successors in office, two hundred dollars each, and to Wiliam J. Steele, and his successor in office, three hundred dollars. These sums to be in addition to the salaries now received by said clerks.

§ 2. This act shall be in force from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	D. R. Haggard,	Alfred T. Pope,
James F. Clay,	Thomas F. Hargis,	K. F. Prichard,
Harrison Cockrill,	J. B. Haydon,	W. H. Sneed,
John E. Cooper,	I. L. Hyatt,	A. G. Talbott,
J. H. Dorman,	John W. Johnson,	W. L. Vories,
William P. Duvall,	William Johnson,	Ben. J. Webb,
W. W. Frazer,	A. L. Martin,	Emery Whitaker,
John J. Gatewood,	O. D. McManama,	Thos. Wrightson—24.

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	G. A. C. Holt—4.
G. W. Connor,		

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to prevent and punish unlawful combinations of persons.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter, if two or more persons shall combine and conspire together for the purpose of increasing or decreasing the price of labor, or who shall, by threats of intimidation or suggestions of danger made against the employer or employee, for the purpose and with the design and intent of preventing any person or persons from working or obtaining work, upon such terms as the parties concerned may agree upon, they shall be deemed guilty of a public offense.

§ 2. It shall be the duty of any judicial officer, who, from his personal knowledge, or from information given to him on oath, to issue a warrant for the arrest of all parties guilty of a violation of the first section of this act.

§ 3. The peace officer to whom the warrant is delivered shall forthwith proceed to arrest the offenders and bring them before a magistrate, who shall, without unnecessary delay, proceed to an investigation of the case, and if there are reasonable grounds for believing the parties guilty, he shall put them under bond, in any sum not under two hundred dollars nor more than two thousand dollars, to be of good behavior and keep the peace until the next succeeding term of the circuit court to be holden in said county, and to answer any indictment that the grand jury may find against them; and said magistrate shall take down the substance of the evidence and list of the witnesses, and hand the same over to the circuit court clerk, as is directed in preliminary trials in cases of felony; and shall also recognize the witnesses to appear and testify at the court to which the defendants are sent for trial.

§ 4. Upon an indictment being found, and a trial and conviction had, the offenders shall be fined in any sum, in the discretion of the jury, not exceeding two thousand dollars, or imprisonment not exceeding six months—one or both.

§ 5. This act shall take effect from its passage.

Sundry amendments were proposed to said bill.

Pending the consideration of which amendments, Mr. Hawes moved to lay said bill and pending amendments on the table.

And the question being taken on the adoption of said motion, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Talbott and Hawes, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
R. A. Burton,	H. S. Hale,	A. G. Talbott,
Harrison Cockrill,	Edwin Hawes,	W. L. Vories,
G. W. Connor,	J. B. Haydon,	Thos. Wrightson—13.
J. H. Dorman,		

Those who voted in the negative, were—

James F. Clay,	D. R. Haggard,	W. H. Sneed,
John E. Cooper,	Thomas F. Hargis,	Ben. J. Webb,
F. W. Darby,	Wm. Johnson,	Emery Whitaker—11.
Jesse C. Gilbert,	Alfred T. Pope,	

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act defining the boundary line between the counties of Clay and Perry.

By same—

An act to amend an act, entitled "An act to reduce into one the several acts in relation to the city of Frankfort, and for other purposes."

By same—

An act to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Butler, Grayson, and Edmonson," approved March 28th, 1872.

By same—

An act for the benefit of Thos. H. Curd, Geo. W. Nell, and W. J. Payne.

By Mr. Talbott, from the Committee on Railroads—

An act to prohibit the submission of the question of taxation for railroad purposes in the county of Henry.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act to amend the charter of the town of Livermore, in McLean county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act repealing an act preventing the setting of nets, seining, &c., in the streams, or parts of streams, in the counties of Trimble and Carroll.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to repeal an act to amend the charter of the town of Harrodsburg, approved February 17th, 1872.

With an amendment as a substitute for the last named bill.

Which was adopted.

Ordered, That the first named bill be placed in the orders of the day, and that all the rest be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid, except that of the last, which is changed so as to read,

An act in relation to granting a license for the sale of liquors in the town of Harrodsburg.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of Jesse Clark, of Bath county.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

Said bill reads as follows, viz:

Whereas, Louisa Clark, wife of Jesse Clark, obtained a divorce at the March term, 1873, of the Bath circuit court, and the said Jesse Clark is desirious of marrying again before the expiration of one year, and has made all necessary arrangements to do so, under the belief he had the right to marry again at any time after the decree of divorce; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Jesse Clark, of Bath county, be, and he is hereby, permitted to marry, by proper license, at any time after the passage of this act.

§ 2. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

R A. Burton,	F. W. Darby,	John W. Johnson,
Harrison Cockrill,	H. S. Hale,	A. L. Martin,
G. W. Connor,	G. A. C. Holt,	W. H. Sneed—10.
John E. Cooper,		

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	W. L. Vories,
J. H. Dorman,	William Johnson,	Ben. J. Webb,
W. W. Frazer,	Alfred T. Pope,	Emery Whitaker,
Jesse C. Gilbert,	A. G. Talbott,	Thos. Wrightson—13.
D. R. Haggard,		

So said bill was again disagreed to.

Mr. Holt, from the Committee on Military Affairs, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of M. T. Lowry, of Jessamine county,

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury, in favor of M. T. Lowry, for the sum of seven hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to be in force from and after its passage.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	Thomas F. Hargis,	Alfred T. Pope,
James F. Clay,	G. A. C. Holt,	K. F. Prichard,
G. W. Connor,	I. L. Hyatt,	W. H. Sneed,
J. H. Dorman,	John W. Johnson,	A. G. Talbott,
W. McKee Fox,	William Johnson,	W. L. Vories,
W. W. Frazer,	A. L. Martin,	Ben. J. Webb,
Jesse C. Gilbert,	A. L. McAfee,	Emery Whitaker,
D. R. Haggard,	O. D. McManama,	Thos. Wrightson—24.

Those who voted in the negative, were—

John S. Barlow, John J. Gatewood, Edwin Hawes—5.
John E. Cooper, H. S. Hale,

Resolved, That the title of said bill be as aforesaid.

Mr. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act to repeal an act, entitled "An act authorizing rewards for killing wolves, red foxes, gray foxes, and wild cats,"

Reported the same, with the expression of opinion that said bill ought not to pass.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled "An act authorizing rewards for killing wolves, red foxes, gray foxes, and wild cats," approved February 15th, 1873, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Frazer and Webb, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	Wm. Johnson,
James F. Clay,	H. S. Hale,	Ben. J. Webb,
F. W. Darby,	J. B. Haydon,	Thos. Wrightson—11.
J. H. Dorman,	John W. Johnson,	

Those who voted in the negative, were—

Harrison Cockrill,	Thomas F. Hargis.	Alfred T. Pope,
G. W. Connor,	Edwin Hawes,	K. F. Prichard,
John E. Cooper,	G. A. C. Holt,	W. H. Sneed,
John J. Gatewood,	I. L. Hyatt,	W. L. Vories,
Jesse C. Gilbert,	A. L. Martin,	Emery Whitaker—16.
D. R. Haggard		

The Senate, according to order, took up for consideration a bill, which originated in the House of Representatives, entitled

An act to repeal an act, entitled "An act to amend the charter of the Danville and Hustonville Turnpike Road Company," approved February 24th, 1870.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Talbott, from a select committee, to whom was referred a bill, entitled

A bill to promote the science of anatomy and surgery,

Reported the same with an amendment as a substitute therefor.

Mr. Vories then moved to amend the amendment.

Ordered, That said proposed amendment, as a substitute, and the amendment proposed by Mr. Vories, be printed, and made the special order of the day for to-morrow at 12 o'clock, M.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to incorporate the Tradewater Navigation and Manufacturing Company,

Together with the amendments heretofore proposed.

Which were adopted.

Said bill was further amended.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to further amend the charter of the Kentucky River Navigation Company.

Said bill, together with a report from the president of said company, reads as follows, viz:

REPORT OF J. F. BULLITT, PRESIDENT OF THE KENTUCKY RIVER NAVIGATION COMPANY.

The improvements made by the State upon the Kentucky river were leased by the Commissioners of the Sinking Fund to the Kentucky River Navigation Company in August, 1869, for fifty years, at $1,500 per annum, with the privilege of renewal for twenty-five years, at six per cent. per annum on valuation, the State reserving the right to resume possession by giving one year's notice, and paying fair value.

Moreau Brown was President of the company from August, 1869, to May, 1872, when I became his successor.

Three installments of rent are due, subject to a credit of $1,000, paid by me November 19th, 1872, leaving balance of rent then due of $3,801 80, including interest, for which I gave the note of the company, with myself as surety, to the Commissioners of the Sinking Fund.

The said $1,000 rent, and also $60 paid to the Attorney General, as commissions on a judgment against the company for rent, are not included in the expenditures mentioned in Statement C, hereto annexed.

Mr. Brown borrowed $10,000 from the Commissioners of the Sinking Fund, for which he gave the note of the company, secured by bonds of the city of Frankfort, deposited as collateral security by Philip Swigert.

Mr. Brown paid $6,000 of said debt, and said Commissioners now hold ten bonds of the city of Frankfort, for $1,000 each, as security for the residue of said debt, viz: $4,000.

Said debts of $4,000 and $3,801 80 are the only debts which said company owe to said Commissioners.

I have the records of the company from the commencement of its organization. No order has been made for compensating, nor has any compensation been made to, any officer or agent of the company, except the collector of tolls, the lock-keepers, and the engineer who was employed to superintend the extension of slack-water to the Three Forks of the Kentucky river.

The company is paying the keepers of locks 1 and 5 $300, and the keepers of locks 2, 3, and 4, $250 a year, and the collector of tolls $500 a year.

Mr. Brown not only has received no salary, but, as he informs me, and as I believe, he has advanced for the company over $5,000 in traveling and other expenses which remain unpaid, and for which, as he stated to me on the day when I became his successor, he does not mean to assert any claim unless, nor until, slack-water is carried to the Three Forks.

I have received no salary, nor has any order been made, nor any agreement, or understanding of any kind, concerning compensation to me, though I expect the company to pay for my services if it can be relieved from its crippled condition. To the contrary, the company owes me over $12,000, advanced for repairs and other necessary expenses, as is shown by statement C, annexed hereto.

The improvements leased to the Compony were completed by the State in 1843. During the next fifteen years they yielded some profit to the State, as is shown by the report of D. R. Haggard, Chairman of the Board of Internal Improvement, dated January 22, 1866. (*Public Documents, vol.* 2.)

But that report, and another report made by D. R. Haggard, Chairman, January 13, 1868 (*Public Documents, vol.* 2), and subsequent reports made by Addison Thompson, Chairman, to the Commissioners of the Sinking Fund, and recorded in the Auditor's Office, show that, from 1858 to August, 1869, inclusive, said improvements were unprofitable to the State. (See Statement A, hereto annexed.)

Statements B and C show, that from August, 1869, to January 1, 1873, inclusive, said improvements were unprofitable to the Kentucky River Navigation Company.

I employed Clement Smith, a civil engineer, to examine, during low water last summer, the locks and dams leased to the company, and went with him in order to learn what repairs were needed, and their probable cost. I ask attention to his letter to me on that subject, marked Statement D.

J. F. BULLITT,

President of Kentucky River Navigation Company.

FRANKFORT, March 11, 1873.

STATEMENT A.

STATEMENT of Receipts and Expenditures by the Board of Internal Improvement from the year 1858 to 1869, inclusive, per account of the Kentucky River, compiled from public documents:

Year.	Receipts.	Expenditures.
1858	$12,272 14	$17,924 50
1859	10,749 17	5,699 84
1859 (additional)	2,870 06	2,195 33
1860	11,459 58	11,006 34
1861	14,903 72	15,001 71
1862	6,723 75	8,141 54
1863	11,467 23	10,541 12
1864	17,140 99	11,954 78
1865	4,139 20	43,796 04
1866	10,839 57	10,782 04
1867	8,651 70	10,077 21
1868	13,202 51	11,880 50
1869	15,372 38	10,461 59
Expended by act 1869, volume 1, page 4, debts		13,308 95
	$139,792 00	$183,271 49
Excess of expenditures over receipts for 11 years	43,479 49	
	$183,271 49	$183,271 49

Excess of expenditures over receipts brought down	$43,479 49
Add salary of Superintendent, paid by State Treasury *pro ratum*, for eleven years, at $500 per annum	5,500 00
Total excess of expenditures	$48,979 49

Dr. D. R. Haggard informs me that the Presidents and Chairmen of the Board of Internal Improvement were allowed salaries of $1,200 to $1,500 a year, and were paid out of the State Treasury; and that, in his opinion, $500 a year are fairly chargeable to the Kentucky river improvements.

J. F. BULLITT, *President.*

STATEMENT B.

REPORT of John Watson, Collector of Tolls, of Receipts and Expenditures of Kentucky River Navigation Company, from 1st September, 1869, to 1st May, 1872:

Borrowed of Sinking Fund		$10,000 00
Tolls received from 1st September, 1869, to 1st May, 1872		35,027 74
From Jessamine county		18,918 36
		$63,946 10
EXPENDITURES.		
Paid for repairs	$26,725 60	
To salaries on old works	4,812 50	
To Bissett & McMahon, on contract for new work, Nos. 6 & 7	22,143 35	
To salaries for new work	2,375 00	
To advertising new work	34 80	
To Noland, fees, commissions	281 01	
To survey of river, new work	764 95	
To amount paid Sinking Fund, in part	6,000 00	
		63,137 21
Balance on hand May 1, 1872		$808 89

JOHN WATSON, *Collec*

Receipts for toll from 1st September, 1869, to May 1st, 1872		$35,027 74
Expenditures on old works, repairs	$26,725 60	
Salaries to lock-keepers and collector	4,812 50	
		31,538 10
Excess of receipts over expenditures from 1st September, 1869, to 1st May, 1872		$3,489 64

The above is the report furnished to me by John Watson, Agent, of receipts and expenditures of Kentucky River Navigation Company, during the presidency of Moreau Brown, viz: from August, 1869, to May 1, 1872.

J. F. BULLITT, *President*

FRANKFORT, March 11, 1873.

STATEMENT C.

STATEMENT of Receipts and Expenditures by Kentucky River Navigation Company, under administration of J. F. Bullitt, President, from 1st May, 1872, to 1st January, 1873:

TOLLS.	Expenditures.	Receipts.
Received by John Watson, Agent		$5,044 99
EXPENDITURES.		
Repairs, per account of John Watson, Agent of Kentucky River Navigation Company $2,786 86		
Repairs, per account J. G. Barrett, Secretary and Treasurer 13,648 00		
	$16,434 86	
Salary John Watson, Agent	250 00	
Lock-keepers	750 00	
	$17,434 86	$5,044 99
Excess of expenditures over receipts, from 1st May, 1872, to 1st January, 1873		12,389 87
	$17,434 86	$17,434 86

Excess of expenditures over receipts, from 1st May, 1872, to 1st January, 1873		$12,389 87
Less excess of receipts over expenditures, from 1st September, 1869, to 1st May, 1872		3,489 64
Excess of expenditures over receipts, total, during possession of works by Kentucky River Navigation Company		$8,900 23

J. F. BULLITT, *President.*

STATEMENT D.

FRANKFORT, KY., March 11th, 1873.

JUDGE J. F. BULLITT, *President Kentucky River Navigation Company:*

SIR: I gave you last year estimates in detail, carefully made, of the cost of repairing dams Nos. 1, 2, 3, 4, and 5, in the Kentucky river, which amount to $50,000.

You expended on dams Nos. 1 and 3 $12,000. This deducted from the estimates would leave $38,000, as the amount of money necessary to be expended on the dams to place them in good condition, and which ought to be expended this summer to prevent accidents of a serious character.

Very respectfully, yours,

CLEMENT SMITH, *Civil Engineer.*

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled "An act to incorporate the Kentucky River Navigation Company," approved March 1st, 1865, and an act approved February 16th, 1869, entitled "An act to amend an act, entitled 'An act to incorporate the Kentucky River Navigation Company,'" be, and the same are hereby, amended as follows:

§ 1. Any mortgage executed by said company shall be recorded in the clerk's office of the Franklin county court, and need not be recorded elsewhere.

§ 2. Said company may lease water power, created by dams erected by, or leased to, said company.

§ 3. The directors of said company may fill any vacancy caused by the death or resignation of a director.

§ 4. If any person, navigating the waters of the Kentucky river or any of its tributaries, within the influence of the improvements of said company, or of any improvements owned by it, or under its control, by lease or otherwise, shall fail or refuse to pay the tolls which are legally chargeable by said company, the person so offending shall forfeit and pay to the use of said company three times the amount of such tolls, to be recovered by civil action in the name of said company. If any officer, agent, or owner of a vessel navigating said waters shall knowingly and willfully make, or cause to be made, to any agent of the said company, any false statement, with intent thereby to defraud said company, he shall be liable to pay to the company not less than two hundred and not more than five hundred dollars, recoverable by civil action, and the owner or owners of such vessel may be held jointly liable in said action with the officer or agent aforesaid for the amount so due the said company; and the company shall have a lien on such vessel to secure the payment of the said amount. If any person shall willfully and maliciously injure any of the works constructed by said company, or owned by it, or under its control by lease or otherwise, the person so offending shall, on conviction thereof, be fined not less than fifty dollars, nor more than five hundred dollars, and be imprisoned at the discretion of a jury; besides being liable to civil action for treble the damages that may result to said company from such injury.

§ 5. That the said company may, upon the written application of its president or authorized agent, require the presiding judge of the county court of any county, which has subscribed for stock in said company, to submit to the qualified voters of such county a proposition for such county, in lieu of such subscription, to loan its credit to said company by the issue of bonds of said county, payable to bearer twenty years after their date, with coupons attached for interest at the rate of seven per cent. per annum, and for such an amount, and upon such other terms and conditions, as may in said written application be specified. And if a majority of the votes cast at such an election shall be in favor of said proposition, it shall be the duty of the said presiding judge to issue said bonds, and deliver them to the president or other authorized agent of said company. The interest on said bonds shall be payable semi-annually; and the principal and interest thereof shall be payable at such time and place as may be designated in the written application aforesaid. The said company shall pay the principal of said bonds, and the interest which may accrue thereon, after the period of seven years from their date; and may guarantee the payment of the principal, and of all, or part, of the interest thereon, by writing indorsed thereon, in proper form of words, and signed by its president. And to secure the payment of said bonds, and the in-

terest thereon, and of bonds issued under the next following section of this act, and the interest thereon, such counties as shall issue the same shall have a joint, co-ordinate, and uniform lien on the franchises and property of said company, then existing or acquired, or which may be thereafter acquired: *Provided, however*, That said company may issue its own bonds for an amount which, when added to the amount of such bonds as may be issued by the counties aforesaid, shall not exceed one million of dollars; and that the holders of said bonds, so issued by said company, shall have a lien, to secure the payment thereof, and of the interest thereon, upon the property and franchises of said company equal and co-ordinate with the lien of the said counties.

§ 6. The said company, by the written application of its president or other authorized agent, may require the presiding judge of the county court of any county bordering upon the Kentucky river or its tributaries, or interested in its navigation, and which has not made a valid subscription to the stock of said company, to submit to the qualified voters of such county the question whether the county will subscribe stock pursuant to the aforesaid act of February 16, 1869, or whether the county will loan its credit to said company pursuant to section 5 of this act.

§ 7. The provisions of section 1 of the said act of February 16, 1869, concerning conditions to be proposed by said company, and the times of holding elections, and the notice thereof, and the appointment and duties of officers of elections, and the requisite majority of voters, apply to propositions for loans of credit under sections 5 and 6 of this act; and the provisions of sections 2 and 3 of said act of February 16, 1869, concerning taxation to pay subscriptions, and concerning the rights and duties of sheriffs, and concerning the appointment and rights and duties of collectors, apply to taxation to pay liabilities which any county may assume by lending its credit as is authorized by sections 5 and 6 of this act, and the provisions of section 5 of said act of February 16, 1869, concerning the rights of tax-payers and their assignees, apply to taxes paid to meet the liabilities just mentioned.

§ 8. That upon the application of said company, or of its agent or president, to the circuit court of any county bordering on the Kentucky river, or to the judge of such court in vacation, such court or judge shall appoint three (3) commissioners, two (2) of whom shall be residents of said county, and one (1) an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the use or construction of its improvements, or whenever the land or material required shall be owned by any person not a resident of the State of Kentucky, or who is an infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the said circuit court a report, in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the State, and whether an infant or insane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such land or materials to appear and show cause why the re-

port shall not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the said circuit court, and stand for trial at any term of said court, commencing not less than ten (10) days after service of the summons. If the owner is not a resident of the State of Kentucky, or is an infant or an insane person, the court, or the judge thereof in vacation, shall, at the filing of the report, appoint an attorney, guardian *ad litem*, or committee, as the case may be, to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney, guardian *ad litem*, or committee appointed to defend for him, or by the company, the court shall forthwith order a jury to be empanneled to try the question of damages, unless for good cause shown time is given for preparation. But the said company, upon depositing with the clerk of the court the amount of damages assessed in the report of the commissioners aforesaid, shall have the right te enter upon, take possession of, and use the land or material therein described; and the clerk shall be responsible on his official bond for all moneys so deposited with him.

§ 9. The obligation of said company for rents now due, and its obligation to pay rents which may accrue, during ten years and eight months after this act shall take effect, are hereby released, on condition that said company shall, within two years and eight months after this act shall take effect, put the improvements leased to it in good repair, and shall keep them in good repair during said period of ten years and eight months; and the obligation of said company to pay rents after that period, and also the right of the State to take possession, upon one year's notice, "of the property used in the navigation of the Kentucky river, or convenient therefor," are hereby released and relinquished for the period of sixty years after this act shall take effect, on condition that said company shall extend slack-water navigation to the Three Forks of the Kentucky river within said period of ten years and eight months; but at the end of said period of sixty years, if said company shall comply with said last named condition, and at the end of said period of ten years and eight months, if said company shall fail to comply with said last named condition, the State may, upon one year's notice to said company, take possession, and shall thereby become the owner of the improvements and property which may then be used by said company for the navigation of the Kentucky river, or convenient therefor, after ascertaining and paying to said company the value of such of said improvements and property as may be hereafter made or required of it.

Mr. McAfee then moved to amend the said bill by adding thereto the following additional section, viz:

If the courts of this Commonwealth shall determine that the subscription made by the county court of Jessamine county is not constitutional or valid, then the Kentucky River Navigation Company shall pay to the county court of said county of Jessamine the sum of eighteen thousand nine hundred and eighteen dollars and thirty-six cents, or secure the same by bond and security, payable in six and twelve months, with interest from date.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Fox, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	Thomas F. Hargis,	A. L. Martin,
G. W. Connor,	Edwin Hawes,	A. L. McAfee,
J. H. Dorman,	J. B. Haydon,	Alfred T. Pope,
W. McKee Fox,	G. A. C. Holt,	W. H. Sneed,
Jesse C. Gilbert,	John W. Johnson,	A. G. Talbott,
H. S. Hale,	Wm. Johnson,	Emery Whitaker—18.

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	W. L. Vories,
John E. Cooper,	John J. Gatewood,	Ben. J. Webb,
F. W. Darby,	D. R. Haggard,	Thos. Wrightson—11.
William P. Duvall,	I. L. Hyatt,	

Said bill was then further amended, on motion of Mr. Sneed.

Mr. Hargis then moved to strike out the 6th section.

Mr. McManama moved to postpone, indefinitely, the further consideration of said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hargis and McManama, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	H. S. Hale,	Wm. Johnson,
James F. Clay,	Thomas F. Hargis,	A. L. Martin,
Harrison Cockrill,	Edwin Hawes,	O. D. McManama,
G. W. Connor,	J. B. Haydon,	W. H. Sneed,
J. H. Dorman,	G. A. C. Holt,	A. G. Talbott,
W. McKee Fox,	John W. Johnson,	Emery Whitaker—18.

Those who voted in the negative, were—

R. A. Burton,	D. R. Haggard,	K. F. Prichard,
F. W. Darby,	I. L. Hyatt,	W. L. Vories,
William P. Duvall,	A. L. McAfee,	Ben. J. Webb,
W. W. Frazer,	Alfred T. Pope,	Thos. Wrightson—12.

Mr. Clay then moved to reconsider the vote by which the further consideration of said bill had been postponed indefinitely.

Which motion was simply entered.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act to incorporate the Princeton, Marion, and Ohio River Railroad Company," approved March 28th, 1872;

An act repealing the charter of the St. Matthew's and Goose Creek Turnpike Road Company;

An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company;

An act to amend section fourteen of article five of the charter of the city of Hopkinsville, passed March 5th, 1870;

An act to authorize the United States to condemn land in the city of Covington as a site for their public buildings;

An act to prohibit the sale of spirituous, vinous, or malt liquors at Island Station, or within two miles thereof, in McLean county;

An act for the benefit of school district No. 1, of Metcalfe county;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act to prohibit the sale of spirituous and intoxicating liquors in Rockcastle county, approved March 1st, 1870;

An act to regulate the pay of the members of the court of claims of Todd county;

An act to prohibit the sale of spirituous or intoxicating liquors at Mercer's Station, in Muhlenburg county;

An act to prescribe and regulate the rates of ferriage upon the Ohio river for boats plying to and from the corporate limits of the town of Greenup;

An act in relation to the sheriff of Calloway county;

An act to amend an act, entitled "An act giving the trustees of the common school district in Catlettsburg the right to levy a tax for two years to build a school-house in said district," approved March 5th, 1872, and to establish and maintain public schools in the town of Catlettsburg;

An act to amend the charter of the city of Covington;

An act to authorize a vote upon the sale of liquor in Highland, Lincoln county;

An act to amend an act to charter the town of Prestonville, in Carroll county;

An act to incorporate the Forest Hill Building and Loan Association, of West Covington;

An act to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county;"

An act to incorporate the Crab Orchard Salts Manufacturing Company at Crab Orchard Springs;

An act for the benefit of the Paducah and Northeastern Railroad Company;

An act to amend an act, entitled "An act for the benefit of school district No. 16, in Larue county;"

An act to amend an act, entitled "An act for the benefit of common schools in Bracken county;"

An act to amend the charter of the city of Bowling Green;

An act for the benefit of John W. Duncan, collector of the revenue due from Wayne county for the years 1863 and 1864;

An act for the benefit of Henry C. Fitzpatrick, collector of the revenue for Floyd county for the year 1870;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

THURSDAY, APRIL 17, 1873.

A message was received from the House of Representatives, announcing that they had disagreed to the passage of a bill, which originated in the Senate, of the following title, viz:

An act for the benefit of the stockholders of the Bath Seminary, in Bath county.

A message was also received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to a bill, which originated in the House of Representatives, of the following title, viz:

An act to repeal an act to amend the charter of the town of Harrodsburg.

Title amended to read,

An act in relation to granting license for the sale of liquors in the town of Harrodsburg.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to authorize the election of police judge and town marshal in the town of Brownsville, in Edmonson county.

An act for the benefit of the Baptist Church of Bedford, in Trimble county.

An act to amend an act incorporating the Williamstown Odd Fellows' Hall Company.

An act to prohibit the retail of spirituous, vinous, or malt liquors in the towns of Hudsonville, Constantine, and Cross Roads, in Breckinridge county, or any part of said county, within six miles of either of said towns.

An act to extend the time of signing the bill of exceptions in the case of Carlisle Hunt's heirs vs. Elisha Long and Elizabeth Gray, in Greenup circuit court.

An act to incorporate the Transylvania Street Railroad Company.

An act for the benefit of H. C. Parish, of Barren county.

An act to incorporate the Lockport Odd Fellows' and Masonic Building Company.

An act to incorporate the town of Norton, in Hopkins county.

An act to incorporate the Nicholasville Building and Accumulating Fund Association.

With an amendment to the last named bill, which was concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to amend an act to prohibit the sale of intoxicating liquors in the county of Bullitt, approved March 21st, 1871.

2. An act to incorporate the town of Anderson City.

3. An act for the benefit of James A. Allen, jailer of Bourbon county.

4. An act to charter the Lyon Iron Mining Company.

5. An act to amend the charter of the town of Crofton, in Christian county.

6. An act to repeal an act to amend the charter of the Winchester and Red River Turnpike Road Company, approved March 20th, 1872.

7. An act for the benefit of Benjamin Stumbough and others, of Johnson county.

8. An act to amend an act to incorporate the Commonwealth Printing Company.

9. An act to amend an act, entitled "An act to incorporate the Scuffletown Fence Company," approved March 21st, 1872.

10. An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Campbellsville," approved March 21st, 1871.

11. An act to incorporate the town of Haggard, in Perry county.

12. An act to prevent trespass upon inclosed lands in Harrison county.

13. An act to amend the charter of the South Kentucky Railroad Company.

14. An act in relation to inquests of lunacy in Jefferson county.

15. An act to incorporate the Grand Lodge of the American Protestant Association of Kentucky.

16. An act for the benefit of John F. King, sheriff of Knox couuty.

17. An act for the benefit of the Hodgenville and Elizabethtown Turnpike Road Company.

18. An act to establish tram-tracks or rail-ways to navigable streams and railroads in Rockcastle county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 10th, and 15th to the Committee on Religion and Morals; the 2d, 5th, 11th, and 14th to the Committee on the Judiciary; the 3d to the Committee on Claims; the 4th and 8th to the Committee on Agriculture and Manufactures; the 6th and 12th to the Committee on Internal Improvement; the 7th and 16th to the Committee on Finance; the 13th and 18th to the Committee on Railroads, and the 9th and 17th were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was also received from the House of Representatives, announcing that they had passed a bill, entitled

An act for the benefit of T. J. Phillips, jailer of Hardin county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

Whereas, T. J. Phillips, jailer of Hardin county, has been compelled to furnish diet and lodging to three pauper lunatics during the year 1872, making in all three hundred and fifty-eight days; and whereas, the Auditor refused to pay the account presented by said jailer, for the reason that part of the account was created before the passage of the general law authorizing pay at the rate of $200 per year, and for the further reason that no formal inquest was held over two of said pauper lunatics (Green Merrill and Henry Sharp); and whereas, it seems that said two paupers were so wild and ungovernable it was deemed impracticable to hold an inquest, and it appears that the said lunatics were committed by order of the county court of Hardin county; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and he is directed, to draw his warrant upon the Treasurer in favor of said T. J. Phillips for the sum of one hundred and ninety-six dollars and thirty-seven cents, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect and be in force from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	A. L. Martin,
R. A. Burton,	H. S. Hale,	A. L. McAfee,
James B. Casey,	Thomas F. Hargis,	Alfred T. Pope,
Harrison Cockrill,	Edwin Hawes,	K. F. Prichard,
John E. Cooper,	J. B. Haydon,	W. H. Sneed,
J. H. Dorman,	G. A. C. Holt,	Ben. J. Webb,
W. W. Frazer,	I. L. Hyatt,	Emery Whitaker,
John J. Gatewood,	John W. Johnson,	Thos. Wrightson—24.

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the Spinoza Society, of Fayette county.

By same—

An act to amend an act, entitled "An act to incorporate the Simpson County Agricultural and Mechanical Association," approved January 27th, 1868.

By Mr. Gatewood, from the Committee on Education—

An act for the benefit of school district No. 17, in Garrard county.

By same—

An act to repeal an act, entitled "An act for the benefit of common school district No. 31, in Bullitt county," approved March 15th, 1871.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act to create and regulate the office of county treasurer for the counties of Perry and Harlan.

By Mr. Vories, from the Committee on Finance—

An act for the benefit of Spencer King, sheriff of Bell county.

By same—

An act for the benefit of Nelson Durham, sheriff of Bell county.

By same—

An act for the benefit of W. S. Allen, late sheriff of Breathitt county, and his securities.

By Mr. Clay, from the Committee on the Judiciary—

An act to legalize a certain survey made in the name of Wm. Day, in Morgan county.

By same—

An act to legalize a certain survey made in the name of D. P. Mosley and J. H. Amyx, in Morgan county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act to authorize a portion of Jamestown magisterial district, in Campbell county, to purchase the Newport and Dayton Turnpike, and to bridge Taylor's creek.

By Mr. Whitaker, from the Committee on Courts of Justice—

An act to regulate advertisements of sales of sheriffs and master commissioners in the county of Jessamine.

By Mr. Hargis, from the Committee on the Judiciary—

An act to give validity to the last will and testament of James J. Andrews, deceased, late of Fleming county.

With an amendment as a substitute for the last named bill.

Which was adopted.

Ordered, That said bills, the last as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Frazer, from the Committee on Education, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to repeal an act, entitled "An act relating to school district No. 14, in Simpson county,"

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Mr. Clay then moved to reconsider the vote by which the Senate had disagreed to said bill.

Which motion was adopted.

Ordered, That said bill be referred to the Committee on the Judiciary.

The Senate took up for consideration the resolutions heretofore introduced by Mr. Dorman, viz:

Resolutions in regard to the State of Louisiana.

Said resolutions read as follows, viz:

WHEREAS, The Constitution of the United States guarantees to every State a republican form of government; and whereas, the will of the people, freely and fairly expressed at the ballot-box, is the fundamental principle of our political system, and the people of a free and sovereign State have the inalienable right to choose their representatives and designate those who shall fill the offices within their gift; and whereas, a Federal District Judge, in our sister sovereign State of Louisiana, has recently, by a usurpation of political authority, supported by Federal bayonets, seized upon the building used as a State House by the Government of that Commonwealth, and excluding from it the legislators lawfully elected by the people, and admitting others recognized by himself, thereby set aside the Government elect, and established in its stead a species of proconsular government, by which the lawful Governor of the State was suspended from office; and whereas, the President of the United States has unwarrantably interfered with the State Government of Louisiana in setting aside the Legislature and State officers chosen by the lawfully expressed will of the people, and now sustains, by the force and menace of Federal

troops, a sort of provincial government set up by usurpation, force, fraud, and perfidy; therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That, in so doing, the President has assumed powers not delegated, and utterly at variance with the spirit and letter of the Constitution of the United States; that the exercise of such assumed powers is subversive of the sovereignty and rights of the States, and necessarily tends to make them mere dependencies upon the General Government.

2. That the constitutional rights and liberties of all the States are imperiled by this invasion of them in a sister State, and that each should sternly rebuke the exercise of such assumed powers, so fatal to the just relations which should always exist between the Federal and State Governments.

3. That the President of the United States has no right or authority to order, permit, suffer, or give countenance to the interference of United States troops in the affairs or duties of a State of which the General Government has no constitutional provision, and in which it cannot interfere except upon application of the Legislature or the Executive of the State, as contemplated by the fourth section of the fourth article of the Constitution of the United States.

4. That a State Government derives none of its powers from the United States, nor are its duties, rights, and privileges subject, in any respect, to the consent or discretion of the President, who can in nowise enlarge, abridge, or interrupt them, either by assuming them himself or by intrusting them to others.

5. That the General Government is a government exclusively of delegated powers, and whilst the people owe obedience to it in all its acts within the sphere of its granted powers—in the exercise of which it is supreme—the States, on the other hand, possess inherent sovereignty in and over all matters wherein their powers have not been delegated to the General Government; and to the people of each State is especially reserved the inalienable and exclusive right to regulate, control, and manage their internal and domestic affairs, subject only to such special and well-defined exceptions as are established by the Constitution of the United States; and any act of the General Government infringing upon, or denying the right to exercise these powers, is usurpation, against which the people of the States ought to enter their solemn protest, feeling that their interest, honor, peace, safety, and prosperity are involved and endangered in every such assault upon these reserved rights, which underlie the genius of our form of government, and the maintenance of which is essential to life, liberty, and the pursuit of happiness.

6. That we hereby request and instruct our Senators and Representatives of the Congress of the United States to give all proper aid in supporting the appeal proposed to be made by the people of Louisiana for a redress of their grievances.

Mr. Wrightson then moved to amend said resolutions by substituting in lieu thereof the following, viz:

Strike out all after the word whereas, in the 6th line of preamble, and insert the following: There is a conflict between the blacks and whites in our sister States of Louisiana and Indiana, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the people of the Commonwealth of Kentucky, having a due appreciation of their reserved rights, hereby declare that it is their high privilege and present duty to declare, that in all conflicts and local brawls between

blacks and whites, whether in coal-mines or on sugar plantations in other States, that they will preserve a strict neutrality, and will allow them to settle their affairs among themselves; or if they are incompetent to do so, they may fall back on their reserved rights by calling on the forces of the United States, in which all the States have an equal interest.

And the question being taken on the adoption of said amendment, it was decided in the negative.

The question was then taken on the adoption of the resolutions offered by Mr. Dorman, and it was decided in the affirmative.

Mr. Martin, from the committee of conference in relation to the disagreement between the two Houses upon amendments proposed by the House of Representatives to chapter 19 of the Revised Statutes, title "Common Schools," made the following report, viz:

Your committee, appointed to confer with a similar committee upon the part of the House of Representatives, upon the disagreement of the two branches of the General Assembly, upon chapter 19, title "Common Schools," of the Revised Statutes, report that, after protracted deliberation, the committees of the respective Houses cannot agree upon a basis of reconciliation. The House committee unanimously adheres to the amendment passed by that body, with the exception of recession from its second amendment, which is to strike out section 8 of article 7.

The points of difference between the Senate and House may be stated thus: The House proposes to submit the question as to whether the people may tax themselves to extend the time or improve the quality of the common schools to a vote of the white electors, *only* upon the petition of a majority of the resident *real estate owners;* and to this a majority of your committee cannot assent, believing, as they do, that it saps the foundation of State polity in a Democratic country, namely, the right of *local self-government*, a principle that has been repeatedly ratified by a large majority of the people at the polls, and which has been recognized, time and again, by the General Assembly, when legislating upon the material interests of the State, and is to-day crystallized in the franchises granted numerous corporations.

Why the right of the people to tax themselves to educate their children should be the only thing denied, we cannot divine. It is conceded that, in many localities, the operations of our school system are unsatisfactory; this cannot be set down to defect in common schools, *per se*, but must be sought for in the organization and facilities of the system as provided by the State. With sufficient money, no one can doubt that the schools would so rapidly meet the public demands in the matter of education as to satisfy the most skeptical of their high utility as a factor in our civilization. How are we to obtain this money? We have no reasonable

expectation of any considerable grant of land or money from the General Government to reinforce the State endowment. Millionaires, with philanthropic purpose to foster education, have not their attention turned toward our necessities; no one can believe that the general State tax, upon the present basis of distribution, can be enlarged. In what possible way, then, can our system grow, so as to realize the highest results in the improvement of the character of State citizenship, than by relegating the question to local enterprise? Can statesmanship ingeniously devise any other plan for the development of common schools than that proposed by district taxation? The rate feature has become so odious that every other State than our own has wiped it from their statute books. Thousands of children in the Commonwealth are kept away from the public schools because of the impossibility of their answering the conditions imposed by this oppressive element in our educational system. It is the most savage mockery to claim a free school system with this despotic feature waving its forbidding sword from the portals of the school-room in the faces of the poor.

Are we to remain content with what we have achieved in the line of popular education and provide no possible margin for progress in our educational enterprise? Stagnation is death. Progress is the watchword of the age, and is characterizing Kentucky, in concert with her sister States, in everything else other than common schools.

In reply to that opposition based upon the burden of taxation, we respond, that no investment yields so large returns for the expenditures as that which is made for the support of free education; and even the commercial side of this question must ultimately carry absolute triumph to the standard of general intelligence. That enlightenment which makes labor most productive must yield the strongest safeguards to property and life, and everything that the free American citizen holds as sacred and dear.

We believe that mental and material progress go hand in hand, and are reciprocal in their action upon each other, and that, therefore, taxes levied for school purposes are the most remunerative of all that the State lays upon her people. To the average citizen the compensation is direct. If he gets the quality of education in the common schools which he desires, he saves in tuition and board bills (when compelled, for the lack of these facilities at home, to send his children abroad) what he pays in taxes, and has the additional satisfaction of knowing that, by the economy of united effort, he has provided equal educational advantages for the most impecunious among his neighbors. He has the satisfaction of seeing a homogeneous community growing up around him, his children breathing in a purer moral and political atmosphere, and all his vested rights

in society invigorated and strengthened by protective elements which give him to feel that he holds them by no uncertain tenure, but has the bond of his fellows for their preservation, in the gratitude they cherish for the aid that his fortune has enabled him to give them.

In a less direct, but not the less certain manner, an incalculable amount of good is reflected upon the State. Crime is diminished as intelligence grows; productiveness is enhanced as the wisdom of the laborer is increased, and private happiness everywhere augmented as learning and virtue join wedlock.

Public education is no humanitarian movement for the benefit of the *poor* children of the Commonwealth. It is a system intimately associated with, and fundamental to, the social order, and contemplates the improvement of citizenship without reference to the private fortunes of those upon whom it expends its forces. The idea that the common school is a charity institution has been, and is to-day, the most formidable barrier to the maturing of laws for the government of the system, and of securing the means necessary to perfect its usefulness. When viewed simply as an institution for the benefit of paupers, it affords a temptation to legislators to neglect it, and to refuse to it that fostering care which it imperatively requires. Dignify it as a natural and necessary element in the perpetuation of our republican liberties, and it challenges the attention of the statesman as well as the philanthropist, and demands of him the exercise of his most sagacious powers in the solution of the problem which it presents. Knowledge is the universal *right*, as it is the universal *interest*, of men. Our country is our *common wealth*. We have all equal share and pride in it. The humblest citizen is a factor in the *common wealth* The State is a partnership of all her citizens, and the *possession of real estate cannot confer any franchises that are not possessed by the landless.*

Upon the will of the people we have erected the superstructure of our *governmental* affairs, and to deny by statute the expression of this *will* is to remove the very corner-stone upon which the whole fabric rests. The State cannot afford, because of individual inability or neglect, to suffer her citizens to remain ignorant when it is their *will* to be enlightened.

A property call, then, for the submission of a district tax, ignoring, as it does, the normal franchises of the sovereign elector, contravenes every idea which we have of the rights, privileges, and dignities of American citizenship, and we could not, therefore, surrender our assent to the demand the House amendment makes upon our most rational apprehensions of the character of citizenship under our State Constitution. Beside, the property call would be impracticable in many of the sparsely populated mountain districts, as in many of them not more than five or six real estate owners are resident.

The second disagreement of the two Houses is upon the amount of the tax—the Senate insisting upon a maximum limitation of forty cents (which we proposed to reduce to thirty) upon each one hundred dollars' worth of property for both cities and country districts, and the House establishing the limit at twenty cents for both. We think it would be unwise to yield to the limitation of cities to twenty cents; for this amount, though of great aid to a district school, is totally inadequate to the establishment of graded schools in our towns and cities. One object of section 9 of article 2 was to obviate the necessity of special legislation whenever a city or town desired to establish a system of graded schools; but with twenty cents as the maximum, the statute would be comparatively useless, and special enactments be as necessary as before the enactment of the general statute.

It is known that numerous cities and towns of the Commonwealth have been waiting the passage of this chapter, and have held their special bills in abeyance in order to avail themselves of the benefit of this comprehensive statute. The section is so neutralized, when reduced from forty to twenty cents, as, in view of what precedes it, renders it absolutely unnecessary. The condition of submitting a vote as to whether the people would tax themselves in cities and towns only upon the petition of a majority of the real estate owners, was a complete estoppel to all enterprise in such places looking to the establishment of common schools. We cannot conceive of a more effectual plan to render nugatory the provisions of the chapter than the imposition of such a condition. *It is a death-blow to the school bill.* This condition aside, we could most probably have agreed upon the amount of tax to be levied.

We lament the prospect of the General Assembly adjourning, having revised all the statutes of the State, except that one of first importance, and most imperatively requiring scrutinizing attention. We confess to some mortification at knowing, that while everything material in aspect has passed the friendly review of both Houses, and is about to formulate into stately statutes, that the only question intimately related to the mental and moral improvement of the people, and the physical health of the four hundred thousand pupil children of the Commonwealth, is about to be consigned to the grave. It is surprising that, while we have not hesitated at the cost of those agencies which are to develop our physical resources, we have stumbled upon the question of expense connected with the sustaining of nurseries of men. While we should not neglect the development of our material wealth, we should strive to make the mastery of intellect the reward of our ambition—to devote ourselves and dedicate the Commonwealth to the grand cause of education.

We hold the following principles as educational axioms:

First. The power over education is one of the powers of *public police* belonging essentially to government.

Second. To educate the people is the duty of self-preservation, according to its actual mode of existence for the sake of the common good.

Third. So long as men differ in natural capacity and the conditions of Providence, and so long as the rights of property shall be respected, there will ever be a large portion of the people unable, for the lack of money, to defray the expenses of education. Whenever this is the case, we hold it to be the duty of the State to provide the necessary means.

Fourth. The common school must be made so good as that wealth shall find the education it demands within its agencies. If the poor are educated in separate classes, a hurtful aristocracy is established in the heart of the State, which destroys that homogeneity so essential to the perpetuation of republican institutions, and which tends powerfully to the organization of a commune dangerous and threatening to capital.

It is, therefore, in our judgment, not sufficient that common schools be accessible to the indigent, but also it is demanded that they be made so efficient that the rich will not desert or neglect them, giving them neither the favor of sentiment nor sustenance except under the mandates of compulsory law, and doing what they do as they contribute to eleemosynary institutions or public charities.

Because we favor the elevation of the public school to the plane of the necessities of all alike—rich and poor—we have favored a liberal provision for district and city taxation, believing it the only feasible suggestion that furnishes the necessary margin for the development of a free school system which will equitably distribute its benefits to all classes.

Your committee are firmly persuaded that a large minority of the members of the other branch of the General Assembly are unanimously and zealously for the utmost liberality in support of the common school system of Kentucky. We are positively certain that this minority is uncompromisingly opposed to placing the great educational interests of the State in the merciless hands of a *majority of the real estate* owners in each school district, believing, as they and we do, that upon education depends the intelligence, and upon the intelligence depends the good citizenship of the people of this Commonwealth. To surrender the point just indicated—to give *landholders* alone, of all the people, the right to declare whether or not the boys and girls of Kentucky shall be educated, would be to inflict a stab which, if not fatal, would certainly cripple and destroy the efficiency of the great system to which the poor and the needy look as their only hope for the mental development of their offspring. As sincere and ardent friends of the system of public schools, would it not be

better for that system that the pending bill should fail, rather than thus jeopardize such supreme and priceless interests?

In conclusion, we recommend that the Senate adhere to its disagreement to the House Amendment No. 1.

Respectfully, &c.,

ALEX. L. MARTIN,

Chairman Conference Committee Senate.

ALFRED T. POPE.

Ordered, That the Public Printer be directed to print two thousand copies of said report for the use of the Senate, and that they be enveloped and stamped.

Mr. Wrightson, from the Committee on Railroads, to whom was referred a bill, entitled

A bill to incorporate the Kentucky and Southeastern Railway Company,

Reported the same with an amendment as a substitute for said bill.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby created and established a body-politic and corporate, under the name and style of the Kentucky and Southeastern Railway Company; and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be pleaded, answer and defend, in all courts and places as a natural person. Said company may also have and use a common seal, and may alter and change the same at will; and it shall have all other lawful powers usual and incident to corporations, and which may be requisite and necessary for carrying out the objects and purposes for which it is created and established.

§ 2. That J. B. Bowman, B. J. Peters, J. S. Woolfolk, Samuel Clay, jr., C. Alexander, George B. Hodges, H. R. Hulbard, A. H. Bowman, Thomas Turner, Thomas Morgan, Thomas Wrightson, James Taylor, E. Kinney, Milton Saylor, G. M. Adams, J. M. Rice, J. G. Eve, T. T. Garrard, Frank Preston, G. G. White, William Tarr, Ben. B. Groom, E. D. Luxton, Wm. H. Randall, William Cassius Goodloe, W. S. Streator, H. G. Burns, and C. Cecil, sr., or such of them as may choose to act, are hereby constituted and appointed commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places, and upon such terms and conditions, as they may deem proper.

§ 3. The capital stock of the said company may be any amount (not exceeding ten millions of dollars) necessary for the construction and equipment of said railway, and the same shall be divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned, and controlled by individuals, in and out of this State, and by counties, towns, or cities, and parties in Kentucky and elsewhere.

§ 4. Whenever subscriptions of stock to the amount or value of one hundred thousand dollars shall have been made to the capital stock of said company, the commissioner shall give at least ten days' notice thereof, in one or more newspapers published in the city of Frankfort, and assemble the subscribers at some suitable time and place; and such of them as

shall have paid five dollars in cash upon each share of stock subscribed by them respectively, shall proceed to elect from their own number seven directors for said company.

§ 5. That no person shall be elected to the office of president or director for said company who does not own at least ten shares of the capital stock thereof.

§ 6. That the board of directors may elect the president of the company from among their own number or from among the other qualified stockholders.

§ 7. After the organization of the company by the election of a board of directors and president, as hereinbefore provided, the management and control of the property, business, and affairs of said company shall pass to, and be committed to, said president and directors, and to their successors in office.

§ 8. The president and directors of said company may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its property, business, and affairs, as they may deem proper, not inconsistent with this act or with the Constitution and laws of the United States and the Commonwealth of Kentucky; and alter, amend, and repeal the same at will. They may prescribe therein the number of directors necessary to constitute a quorum for the transaction of business.

§ 9. The president and directors of said company may elect or appoint such officers, agents, and employees as they may deem proper and necessary for conducting said railway, and for carrying on, managing, and conducting its property, business, and affairs, and remove them at pleasure; they may prescribe the qualifications, powers, and duties of all its officers, agents, and employees, and may require of any or all of them bonds, in such penalties as they may deem proper, to secure the faithful and honest performance of their respective duties; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof; that said president and directors, or a majority of them, may determine by contract the pay of such officers, agents, or servants; that they shall have power to erect warehouses, eating-houses, rolling-mills, workshops, or other buildings or edifices necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred, and classify the same.

§ 10. That the president and directors of the said railway company are hereby invested with all the powers, rights, franchises, and authority requisite, necessary, and desirable to construct a railway with double or single track, and line of telegraph, from such point or points in the cities of Covington and Newport as they may select; thence through the counties of Campbell, Kenton, Pendleton, Bracken, Harrison, Fleming, Nicholas, Robertson, Bourbon, Clark, Montgomery, Menifee, Bath, Rowan, Powell, Wolfe, Morgan, Carter, Lawrence, Johnson, Magoffin, Breathitt, Floyd, Pike, and Letcher, or such of them as they may choose, to any point or points on the boundary line of the States of Kentucky and Virginia that they may select. They are also hereby fully authorized and empowered to construct such branch railroads to their main trunk, in or through such counties in this Commonwealth, as they may deem proper; and to that end all the powers conferred by this act for constructing the main trunk road are also hereby extended to and conferred upon said company for the purpose of constructing branch roads: *Provided, however*, That the line of said railway shall run to or pass through the cities of

Covington and Newport, or either or both of them, and across the Ohio river, there connecting with any other line of railway or lines of railway; and they shall have all necessary powers to cross navigable streams, provided they do not impair the navigation thereof.

§ 11. That it shall be lawful for the president and directors of said company to keep open the books for subscriptions to the capital stock of said company, until the whole of the capital stock is subscribed; and they may receive subscriptions to said capital stock, payable in contracts to build any part or parts of said road, or any bridge or bridges on the same, or to perform any work, or to furnish any materials which may be necessary or desirable for the construction or equipment of said road.

§ 12. That it shall be lawful for the president and directors of said company to receive subscriptions to the capital stock of the company, payable in real estate situated in Kentucky; said real estate to be taken at its cash value, to be assessed by three commissioners, on oath, of whom two shall be selected by the president and directors of the company, and one by the person proposing to subscribe, upon their report, in writing, describing the lands and assessing its cash value. The company may receive the same at its cash value, if such valuation is accepted by the subscriber, and issue a stock certificate for the same, and may take a deed of conveyance in fee simple therefor; and the real estate thus acquired may be held, used, enjoyed, and controlled, or sold or conveyed by said company as by a natural person.

§ 13. That it shall be lawful for said company to receive, lease, purchase, or otherwise acquire and own, hold, use and possess, enjoy and control, all such real and personal property, goods, chattels, and other things, as may be convenient and desirable for constructing, operating, and equipping said railroad and its branches, and a line of telegraph along the same, or which may be conveyed to it in payment of any stock subscriptions, or purchased by it in satisfaction of any debt, judgment, or decree; and may grant, bargain, sell, and convey the same as a natural person.

§ 14. That upon application by said company to the court of any county into or through which it is proposed to construct said railway, such court shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, or gravel, timber, or other material or thing required for the site or construction of said road; or whenever the land or material required shall be owned by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court a report, in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed, and if the owner resides in the county, he shall forthwith issue a summons, commanding the owner or owners of such land to appear and show cause why the

report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court, commencing not less than ten days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend him, or by the company, the court shall forthwith order a jury to be empanneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners, in estimating the damages to any proprietor of land and material sought, condemned for said road, shall find for the owner or owners the actual value of the land or other thing proposed to be taken; but in estimating damages resulting incidentally to the other land or other property of such owners, shall offset the advantages to such residue to be derived from the building and operating of said road by, through, or near such residue: *Provided*, That land condemned for roadway shall not be more than one hundred feet wide, unless said company shall file with the court, at the time of applying for the appointment of commissioners, the affidavit of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

§ 15. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property, in order to the construction or repairing of said road or their necessary works or buildings, the president and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by commissioners appointed as hereinbefore prescribed; and it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation of said valuation.

§ 16. That whenever the said railway company shall request the county court of any county, through or adjacent to which it is proposed to construct said railway, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court so requested may, in their discretion, order an election to be held at the several voting places in said county, on a day to be fixed by the court, not later than thirty (30) days after the making of such order, and shall appoint judges and other officers necessary to hold said election.

§ 17. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election in the same manner as is now provided by law in regard to other elections; and in case any of the officers apointed shall fail to attend, or refuse to act, others may be appointed in the same manner as at general elections.

§ 18. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the date of such election, the poll-books of their respective precincts; and on the next day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of those voting voted in

favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk on behalf of the county on the terms specified in the order submitting the question to a vote.

§ 19. That whenever the said railway company shall request the county court of any county to do so, such court may, in its discretion, submit to the qualified voters of any voting precinct or precincts in said county the question whether the court shall subscribe to the capital stock of said railway company, on behalf of said voting precinct or precincts, the amount of stock specified in the request of said company, either absolutely, or on such conditions as may be proposed by said company. Said election shall be held on a day to be fixed by the court, not less than thirty (30) nor more than sixty (60) days after the order is made, and shall be conducted by officers to be appointed by the court; and the poll-books shall be returned, and the vote shall be counted and entered on the record of the county court in the same manner as prescribed in section eighteen (18) of this act; and if a majority of those voting in such voting precinct, or a majority of the aggregate votes cast in such voting precinct or precincts, shall be in favor of making such subscription, the court shall order the clerk forthwith to make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted.

§ 20. That whenever the city council of any city, or the board of trustees of any town, into or near to which it is proposed to construct said railway, shall be requested to do so, such city council or town trustees may submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than thirty (30) days after the application is made to them by said company, the question of subscribing for and on behalf of such city or town the amount of stock proposed by said company on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its records; and the mayor of such city, or president or chairman of the board of trustees of such city or town, shall make the subscription in accordance with the vote.

§ 21. That if any county, city, or town shall subscribe to the capital stock of said railway company, under the provisions of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of such county, city, or town—the bonds of the counties to be signed by the county judge and countersigned by the clerk, the coupons to be signed by the clerk alone. The bonds of cities subscribing shall be signed by the mayor and countersigned by the city clerk or auditor, and the coupons shall be signed by the clerk or auditor alone. The bonds of towns subscribing shall be signed by the president of the board of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer in the city of New York at not more than thirty (30) years from their date, and shall bear interest at a rate not greater than eight (8) per cent. per annum, payable semi-annually in the city of New York. That if any election district or districts in any county shall subscribe to the stock of said company, under the provisions of this act, it shall be the duty of the county court of such county to issue the bonds of

such district or districts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the district or districts for which they are issued, and such districts shall be alone bound to pay said bonds and their interest.

§ 22. That in case any county, city, town, or election district, shall subscribe to the capital stock of said railway company, under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting such tax, and paying the interest on all the real estate and personal property in said county, city, or town, subject to taxation under the revenue laws of the State, including the amounts owned by residents of such county, city, or town, or election districts, which are given in under the equalization laws.

§ 23. That on levying a tax, as provided for in this act, to pay the interest on the bonds issued by the county court of any county, whether for the whole, or only a part thereof, or of any city or town, it shall be the duty of the county court, city council, or town trustees making such levy, to appoint three (3) resident tax-payers of such county, or part of a county, city, or town, who shall be styled the Board of Commissioners of the Sinking Fund of such county, part of a county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment; they shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming into his hands as treasurer of such board, on which bond suit may be brought, from time to time, by and in the name of such county, or part of a county, city, or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required, at any time, to give a new bond, and any surety in such bond shall be entitled to the same remedies for procuring additional and counter security as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation, not exceeding one (1) per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council, or trustees by whom such board was appointed.

§ 24. That taxes levied under the authority of this act in any county, or part of a county, shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town who is by law the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond; if a sheriff, with such sureties as may be approved by the county court, and if a city or town officer, with such surety as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time

prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

§ 25. The sheriffs and other officers, having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed which shall be in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five (5) years after such sale, by paying the purchase money and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and eight (8) per cent. per annum thereon.

§ 26. That sheriffs and other officers selling real estate for taxes levied under this act shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed, at any time, within (15) years, on paying the purchase money, and six (6) per cent. per annum thereon, and other taxes paid by the purchaser, and six (6) per cent. per annum thereon.

§ 27. That sheriffs and other officers collecting taxes levied under this act, shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

§ 28. That one half of the tax levied in any one year shall be collected by the sheriff, or other officer in whose hands the same is placed for collection, and paid over to the treasurer of the board of commissioners of the sinking fund within one hundred and twenty (120) days after the same is placed in his hands, and the residue within six (6) months after the first ought to have been paid; and if any sheriff, or other officer, whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required by this act for thirty days after the tax is levied, the court, city council, or board of trustees levying such tax, may appoint a collector, who shall execute bond, with sureties, and have all the powers, and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act.

§ 29. That if any sheriff or collector, or other officer, having in his hands taxes collected under this act, shall fail to pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered on motion on ten (10) days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

§ 30. It shall be the duty of the Commissioners of the Sinking Fund to see that the sheriff or other officer collects and pays over taxes placed in their hands according to law, and to institute legal proceedings against

them on their failure to do so; they shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town; they shall, whenever a dividend is declared by said railway company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain, after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off bonds.

§ 31. That all dividends which shall be received upon the stock held and owned by any county, part of a county, city, or town, under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used, as provided in this act, for the payment of the principal and interest of the bonds issued under the authority of this act.

§ 32. That in case the dividends upon the stock held and owned under this act, by any county, part of a county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the Commissioners of the Sinking Fund to report such fact to the county court, city council, or town trustees, at least five (5) years before the maturity of said bonds; and if any county court, city council, or the trustees of any town owning such bonds, shall deem it proper to do so, they may issue new bonds having not more than twenty (20) years to run, and payable at such place as may be designated on the face of such bonds, bearing the same interest, and secured in all respects as the bonds first issued and secured, and sell such bonds, or exchange them for old ones: *Provided, however*, That if any county court, city council, or town trustees shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees to cause a tax to be levied and collected on all the property in such county, city, or town which, by the provisions of this act, is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also*, That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

§ 33. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, part of any county, city, or town, issued under this act, at or before maturity, it shall be the duty of the Commissioners of the Sinking Fund to cause to be transferred to the tax-payers or their assignees stock held by said county, city, or town, to the amount of the tax paid, upon the delivery to said commissioners of tax receipts by the holders thereof. Such receipts shall be negotiable by indorsement, and no stock shall be transferred for a less amount than one hundred dollars.

§ 34. That the Commissioners of the Sinking Fund shall keep an exact record of all their actings and doings as such, and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually or oftener if required; which settlement shall state fully his accounts since his last settlement.

§ 35. That all the real estate lying in any county, election district, city, or town, issuing bonds under this act, shall be taxed for the purpose of

defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any tax-payer shall lie in such county, district, city, or town, the assessor of tax shall designate on his books what part lies within such county, district, city, or town, and its value, and only such part shall be assessed for the purpose of this act.

§ 36. That the Commissioners of the Sinking Fund, or one of them, shall cast the vote to which their respective counties, districts, cities, and towns may be entitled, in any meeting of the stockholders of said railway company: *Provided*, That if neither of them shall attend, then any person duly authorized by any two of said Commissioners may cast the vote as proxy for said Commissioners.

§ 37. That said railway company shall be exempt from taxation until twenty-five miles thereof have been completed, and that it shall never be taxed at a valuation beyond the rate at which other roads are now taxed, nor exceeding its actual value.

§ 38. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock in said company, purchase and hold any other railroad in this or any other State, and may subscribe stock in, or aid in the building of, any other road in or out of this State, whenever in their judgment it may be to the interest of the said railway company to do so. They may sell the said railway or lease the same, and may build branches from said road, and branches from said branches. That said company may connect its said road or any of its branches with the railroad of any other company in or out of this State, and may lease and operate any railroad connecting with the road or branches of said railway; and it may consolidate with and make running and operating arrangements with any other railroad company, upon such terms as may be agreed on by the contracting parties; and it shall be lawful for the franchises and subscriptions of stock granted and subscribed to any other railroad company to be assigned and transferred to the said railway company, and the like powers and privileges are hereby granted to any railroad company with which it may contract.

§ 39. That said railway company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions to be paid in land, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscriber, and may lease or sell and convey any land so given or subscribed.

§ 40. That the said railway company (the holders of a majority in value of the stock therein concurring) may agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall in anywise affect the holders of any mortgage bonds issued by the said railway company.

§ 41. That the said railway company may issue and sell the bonds of said company of the denomination of one thousand dollars, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding ten millions of dollars, bearing not exceeding ten per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct within thirty years from this date.

§ 42. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust conveying said railroad, and all its property franchises, to a trustee or trustees, and, from time to time, fill vacancies that

may occur, for the use and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

§ 43. That if the mortgage or deed of trust, authorized by the last preceding section, shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the circuit court of Franklin county, Kentucky, where only such proceedings is authorized to be had.

§ 44. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the cities of New York and Frankfort; the person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

§ 45. That to create and secure a fund for the final redemption of mortgage bonds issued under authority of this act, a sinking fund shall be created by said company, and in order to create such sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually, in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter annually there shall be set aside, and pass into said fund, a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be held sacred for the redemption of said bonds, and shall be used for no other purpose. That the company may loan and reloan the sums thus set apart at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes and objects of creating said fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

§ 46. The holders of mortgage bonds issued under authority of this act may demand, and on such demand shall be entitled to receive, evidences of stock in said railway in lieu of their bonds, at dollar for dollar, at any time within seven years after the completion of said railway.

§ 47. The bonds of the company nor the bonds of counties, parts of counties, cities, or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

§ 48. That the president and directors of said railway company may, if it shall seem advisable to them, adopt a narrow gauge for their road, but such gauge shall not be less than three feet.

§ 49. This act to take effect from its passage.

The amendment proposed by the committee as a substitute reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there is hereby created and established a body-politic and corporate,

under the name and style of the Kentucky and Southeastern Railway Company; and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be pleaded, answer and defend, in all courts and places as a natural person. Said company may also have and use a common seal, and may alter and change the same at will; and it shall have all other lawful powers usual and incident to corporations, and which may be requisite and necessary for carrying out the objects and purposes for which it is created and established.

§ 2. That J. B. Bowman, B. J. Peters, J. S. Woolfolk, Samuel Clay, jr., C. Alexander, George B. Hodge, H. R. Hulbard, A. H. Bowman, Thomas Turner, Thomas Morgan, Thomas Wrightson, James Taylor, E. Kinney, Milton Saylor, G. M. Adams, J. M. Rice, J. G. Eve, T. T. Garrard, Frank Preston, G. G. White, William Tarr, Ben. B. Groom, E. D. Luxton, Wm. H. Randall, William Cassius Goodloe, W. S. Streator, H. G. Burns, and C. Cecil, sr., or such of them as may choose to act, are hereby constituted and appointed commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places, and upon such terms and conditions, as they may deem proper.

§ 3. The capital stock of the said company may be any amount (not exceeding ten millions of dollars) necessary for the construction and equipment of said railway, and the same shall be divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned, and controlled by individuals, in and out of this State, and by counties, towns, or cities, and parties in Kentucky and elsewhere.

§ 4. Whenever subscriptions of stock to the amount or value of one hundred thousand dollars shall have been made to the capital stock of said company, the commissioner shall give at least ten days' notice thereof, in one or more newspapers published in the city of Frankfort, and assemble the subscribers at some suitable time and place; and such of them as shall have paid five dollars in cash upon each share of stock subscribed by them respectively, shall proceed to elect from their own number seven directors for said company: *Provided*, That an annual election of directors shall be held thereafter.

§ 5. That no person shall be elected to the office of president or director for said company who does not own at least ten shares of the capital stock thereof.

§ 6. That the board of directors may elect the president of the company from among their own number or from among the other qualified stockholders.

§ 7. After the organization of the company by the election of a board of directors and president, as hereinbefore provided, the management and control of the property, business, and affairs of said company shall pass to, and be committed to, said president and directors, and to their successors in office.

§ 8. The president and directors of said company may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its property, business, and affairs, as they may deem proper, not inconsistent with this act or with the Constitution and laws of the United States and the Commonwealth of Kentucky; and alter, amend, and repeal the same at will. They may prescribe therein the number of directors necessary to constitute a quorum for the transaction of business.

§ 9. The president and directors of said company may elect or appoint such officers, agents, and employees as they may deem proper and neces-

sary for conducting said railway, and for carrying on, managing, and conducting its property, business, and affairs, and remove them at pleasure; they may prescribe the qualifications, powers, and duties of all its officers, agents, and employees, and may require of any or all of them bonds, in such penalties as they may deem proper, to secure the faithful and honest performance of their respective duties; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof; that said president and directors, or a majority of them, may determine by contract the pay of such officers, agents, or servants; that they shall have power to erect warehouses, eating-houses, rolling-mills, workshops, or other buildings or edifices necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred, and classify the same.

§ 10. That the president and directors of the said railway company are hereby invested with all the powers, rights, franchises, and authority requisite, necessary, and desirable to construct a railway with double or single track, and line of telegraph, from such point or points in the cities of Covington and Newport as they may select; thence through the counties of Campbell, Kenton, Pendleton, Harrison, Bourbon, Clark, Montgomery, Bath, Powell, Wolfe, Breathitt, Estill, Owsley, Perry, Clay, Jackson, Laurel, Whitley, Knox, and Harlan, or such of them as they may choose, to any point or points on the boundary line of the States of Kentucky and Virginia or Tennessee that they may select. They are also hereby fully authorized and empowered to construct such branch railroads to their main trunk, in or through such counties in this Commonwealth, as they may deem proper; and to that end all the powers conferred by this act for constructing the main trunk road are also hereby extended and conferred upon said company for the purpose of constructing branch roads: *Provided, however*, That the line of said railway shall run to or pass through the cities of Covington and Newport, or either or both of them, and across the Ohio river, there connecting with any other line of railway or lines of railway; and they shall have all necessary powers to cross navigable streams, provided they do not impair the navigation thereof.

§ 11. That it shall be lawful for the president and directors of said company to keep open the books for subscriptions to the capital stock of said company, until the whole of the capital stock is subscribed; and they may receive subscriptions to said capital stock, payable in contracts to build any part or parts of said road, or any bridge or bridges on the same, or to perform any work, or to furnish any materials which may be necessary or desirable for the construction or equipment of said road.

§ 12. That it shall be lawful for the president and directors of said company to receive subscriptions to the capital stock of the company, payable in real estate situated in Kentucky; said real estate to be taken at its cash value, to be assessed by three commissioners, on oath, of whom two shall be selected by the president and directors of the company, and one by the person proposing to subscribe, upon their report, in writing, describing the lands and assessing its cash value. The company may receive the same at its cash value, if such valuation is accepted by the subscriber, and issue a stock certificate for the same, and may take a deed of conveyance in fee simple therefor; and the real estate thus acquired may be held, used, enjoyed, and controlled, or sold or conveyed by said company as by a natural person.

§ 13. That it shall be lawful for said company to receive, lease, purchase, or otherwise acquire and own, hold, use and possess, enjoy and control, all such real and personal property, goods, chattels, and other things, as may be convenient and desirable for constructing, operating, and equipping said railroad and its branches, and a line of telegraph along the same, or which may be conveyed to it in payment of any stock subscriptions, or purchased by it in satisfaction of any debt, judgment, or decree; and may grant, bargain, sell, and convey the same as a natural person.

§ 14. That upon application by said company to the court of any county into or through which it is proposed to construct said railway, such court shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, or gravel, timber, or other material or thing required for the site or construction of said road; or whenever the land or material required shall be owned by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court a report, in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed, and if the owner resides in the county, he shall forthwith issue a summons, commanding the owner or owners of such land to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court, commencing not less than ten days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend him, or by the company, the court shall forthwith order a jury to be empanneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners, in estimating the damages to any proprietor of land and material sought, condemned for said road, shall find for the owner or owners the actual value of the land or other thing proposed to be taken; but in estimating damages resulting incidentally to the other land or other property of such owners, shall offset the advantages to such residue to be derived from the building and operating of said road by, through, or near such residue: *Provided*, That land condemned for roadway shall not be more than one hundred feet wide, unless said company shall file with the court, at the time of applying for the appointment of commissioners, the affidavit of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

§ 15. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property, in order to the construction or repairing of said road or their necessary works or buildings, the president and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by commissioners appointed as hereinbefore prescribed; and it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or deposit of the same with the clerk of the court, who shall give bond that he will pay the same over, upon demand by the person or persons authorized to receive the same.

§ 16. That whenever the said railway company shall request the county court of any county, through or adjacent to which it is proposed to construct said railway, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court so requested may, in their discretion, a majority of the justices of the peace in commission concurring, order an election to be held at the several voting places in said county, on a day to be fixed by the court, not later than thirty (30) days after the making of such order, and shall appoint judges and other officers necessary to hold said election.

§ 17. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election in the same manner as is now provided by law in regard to other elections; and in case any of the officers apointed shall fail to attend, or refuse to act, others may be appointed in the same manner as at general elections.

§ 18. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the date of such election, the poll-books of their respective precincts; and on the next day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk on behalf of the county on the terms specified in the order submitting the question to a vote.

§ 19. That whenever the said railway company shall request the county court of any county to do so, such court may, in its discretion, submit to the qualified voters of any voting precinct or precincts in said county the question whether the court shall subscribe to the capital stock of said railway company, on behalf of said voting precinct or precincts, the amount of stock specified in the request of said company, either absolutely, or on such conditions as may be proposed by said company. Said election shall be held on a day to be fixed by the court, not less than thirty (30) nor more than sixty (60) days after the order is made, and shall be conducted by officers to be appointed by the court; and the poll-books shall be returned, and the vote shall be counted and entered on the record of the county court in the same manner as prescribed in section eighteen (18) of this act; and if a majority of those voting in such voting precinct, or a majority of the aggregate votes cast in such voting precinct or precincts, shall be in favor of making such subscription, the court shall order the clerk forthwith to make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted.

§ 20. That whenever the city council of any city, or the board of trustees of any town, into or near to which it is proposed to construct said railway, shall be requested to do so, such city council or town trustees may submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than thirty (30) days after the application is made to them by said company, the question of subscribing for and on behalf of such city or town the amount of stock proposed by said company on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its records; and the mayor of such city, or president or chairman of the board of trustees of such city or town, shall make the subscription in accordance with the vote.

§ 21. That if any county, city, or town shall subscribe to the capital stock of said railway company, under the provisions of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of such county, city, or town—the bonds of the counties to be signed by the county judge and countersigned by the clerk, the coupons to be signed by the clerk alone. The bonds of cities subscribing shall be signed by the mayor and countersigned by the city clerk or auditor, and the coupons shall be signed by the clerk or auditor alone. The bonds of towns subscribing shall be signed by the president of the board of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer in the city of New York at not more than thirty (30) years from their date, and shall bear interest at a rate not greater than eight (8) per cent. per annum, payable semi-annually in the city of New York. That if any election district or districts in any county shall subscribe to the stock of said company, under the provisions of this act, it shall be the duty of the county court of such county to issue the bonds of such district or districts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the district or districts for which they are issued, and such districts shall be alone bound to pay said bonds and their interest.

§ 22. That in case any county, city, town, or election district, shall subscribe to the capital stock of said railway company, under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting such tax, and paying the interest on all the real estate and personal property in said county, city, or town, subject to taxation under the revenue laws of the State, including the amounts owned by residents of such county, city, or town, or election districts, which are given in under the equalization laws.

§ 23. That on levying a tax, as provided for in this act, to pay the interest on the bonds issued by the county court of any county, whether for the whole, or only a part thereof, or of any city or town, it shall be the duty of the county court, city council, or town trustees making such levy, to appoint three (3) resident tax-payers of such county, or part of a county, city, or town, who shall be styled the Board of Commissioners

of the Sinking Fund of such county, part of a county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment; they shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming into his hands as treasurer of such board, on which bond suit may be brought, from time to time, by and in the name of such county, or part of a county, city, or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required, at any time, to give a new bond, and any surety in such bond shall be entitled to the same remedies for procuring additional and counter security as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation, not exceeding one (1) per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council, or trustees by whom such board was appointed.

§ 24. That taxes levied under the authority of this act in any county, or part of a county, shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town who is by law the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond—if a sheriff, with such sureties as may be approved by the county court, and if a city or town officer, with such surety as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

§ 25. The sheriffs and other officers, having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the powers and remedies for enforcing the collection of taxes levied under its provisions, as are now conferred upon the sheriffs for collecting the taxes under the laws of this Commonwealth; but the owner of any real estate sold may redeem the same at any time within five (5) years after such sale, by paying the purchase money and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and eight (8) per cent. per annum thereon.

§ 26. That sheriffs and other officers selling real estate for taxes levied under this act shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall

record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed, at any time, within (15) years, on paying the purchase money, and six (6) per cent. per annum thereon, and other taxes paid by the purchaser, and six (6) per cent. per annum thereon.

§ 27. That sheriffs and other officers collecting taxes levied under this act, shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

§ 28. That one half of the tax levied in any one year shall be collected by the sheriff, or other officer in whose hands the same is placed for collection, and paid over to the treasurer of the board of commissioners of the sinking fund within one hundred and twenty (120) days after the same is placed in his hands, and the residue within six (6) months after the first ought to have been paid; and if any sheriff, or other officer, whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required by this act for thirty days after the tax is levied, the court, city council, or board of trustees levying such tax, may appoint a collector, who shall execute bond, with sureties, and have all the powers, and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act.

§ 29. That if any sheriff or collector, or other officer, having in his hands taxes collected under this act, shall fail to pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered on motion on ten (10) days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

§ 30. It shall be the duty of the Commissioners of the Sinking Fund to see that the sheriff or other officer collects and pays over taxes placed in their hands according to law, and to institute legal proceedings against them on their failure to do so; they shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town; they shall, whenever a dividend is declared by said railway company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain, after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off bonds.

§ 31. That all dividends which shall be received upon the stock held and owned by any county, part of a county, city, or town, under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used, as provided in this act, for the payment of the principal and interest of the bonds issued under the authority of this act.

§ 32. That in case the dividends upon the stock held and owned under this act, by any county, part of a county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the Commissioners of the Sinking Fund to report such fact to the county court, city council, or town trustees, at least five (5) years before the maturity of said bonds; and if any county court, city council, or the trustees of any town owning such bonds, shall deem it proper to do so, they may

issue new bonds having not more than twenty (20) years to run, and payable at such place as may be designated on the face of such bonds, bearing the same interest, and secured in all respects as the bonds first issued and secured, and sell such bonds, or exchange them for old ones: *Provided, however*, That if any county court, city council, or town trustees shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees to cause a tax to be levied and collected on all the property in such county, city, or town which, by the provisions of this act, is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also*, That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

§ 33. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, part of any county, city, or town, issued under this act, at or before maturity, it shall be the duty of the Commissioners of the Sinking Fund to cause to be transferred to the tax-payers or their assignees stock held by said county, city, or town, to the amount of the tax paid, upon the delivery to said commissioners of tax receipts by the holders thereof. Such receipts shall be negotiable by indorsement, and no stock shall be transferred for a less amount than one hundred dollars.

§ 34. That the Commissioners of the Sinking Fund shall keep an exact record of all their actings and doings as such, and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually or oftener if required; which settlement shall state fully his accounts since his last settlement.

§ 35. That all the real estate lying in any county, election district, city, or town, issuing bonds under this act, shall be taxed for the purpose of defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any tax-payer shall lie in such county, district, city, or town, the assessor of tax shall designate on his books what part lies within such county, district, city, or town, and its value, and only such part shall be assessed for the purpose of this act.

§ 36. That the Commissioners of the Sinking Fund, or one of them, shall cast the vote to which their respective counties, districts, cities, and towns may be entitled, in any meeting of the stockholders of said railway company: *Provided*, That if neither of them shall attend, then any person duly authorized by any two of said Commissioners may cast the vote as proxy for said Commissioners.

§ 37. That said railway company shall be exempt from taxation until twenty-five miles thereof have been completed, and that it shall never be taxed at a valuation beyond the rate at which other roads are taxed, nor exceeding its actual value.

§ 38. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock in said company, purchase and hold any other railroad in this State, and may subscribe stock in, or aid in the building of, any other road in this State, whenever in their judgment it may be to the interest of the said railway company to do so. They may sell the said railway or lease the same, and may build branches from said road, and branches from said branches. That said company may connect its said road or any of its branches with

the railroad of any other company in this State, and may lease and operate any railroad connecting with the road or branches of said railway; and it may consolidate with and make running and operating arrangements with any other railroad company, upon such terms as may be agreed on by the contracting parties; and it shall be lawful for the franchises and subscriptions of stock granted and subscribed to any other railroad company to be assigned and transferred to the said railway company, and the like powers and privileges are hereby granted to any railroad company with which it may contract.

§ 39. That said railway company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions to be paid in land, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscriber, and may lease or sell and convey any land so given or subscribed.

§ 40. That the said railway company (the holders of a majority in value of the stock therein concurring) may agree on terms for consolidating said company with any other railroad company in this State, on such terms as may be agreed upon; but no such consolidation shall in anywise affect the holders of any mortgage bonds issued by the said railway company.

§ 41. That the said railway company may issue and sell the bonds of said company of the denomination of one thousand dollars, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding ten millions of dollars, bearing not exceeding ten per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct within thirty years from this date.

§ 42. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust conveying said railroad, and all its property franchises, to a trustee or trustees, and, from time to time, fill vacancies that may occur, for the use and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

§ 43. That if the mortgage or deed of trust, authorized by the last preceding section, shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the circuit court of Franklin county, Kentucky, where only such proceedings is authorized to be had.

§ 44. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the cities of New York and Frankfort; the person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

§ 45. That to create and secure a fund for the final redemption of mortgage bonds issued under authority of this act, a sinking fund shall be created by said company, and in order to create such sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually, in order to create a fund suffi-

cient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter annually there shall be set aside, and pass into said fund, a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be held sacred for the redemption of said bonds, and shall be used for no other purpose. That the company may loan and reloan the sums thus set apart at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes and objects of creating said fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

§ 46. The holders of mortgage bonds issued under authority of this act may demand, and on such demand shall be entitled to receive, evidences of stock in said railway in lieu of their bonds, at dollar for dollar, at any time within seven years after the completion of said railway.

§ 47. The bonds of the company nor the bonds of counties, parts of counties, cities, or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

§ 48. That the president and directors of said railway company may, if it shall seem advisable to them, adopt a narrow gauge for their road, but such gauge shall not be less than three feet.

§ 49. This act to take effect from its passage.

Mr. Cockrill then moved to amend said proposed amendment by striking out the counties of Estill, Lee, and Kenton.

Which was adopted.

Mr. Cooper then moved to amend said proposed amendment by striking out the counties of Wolfe and Breathitt.

Which was adopted.

Mr. Martin then moved to amend said proposed amendment as follows, viz:

Amend section 14 by striking out in the 33d line all after the word "taken," down to, and inclusive of, the word "residue," in line 36.

Which was adopted.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cooper and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	H. S. Hale,	K. F. Prichard,
James F. Clay,	A. L. Martin,	A. G. Talbott,
Harrison Cockrill,	A. L. McAfee,	Thos. Wrightson—10.
W. W. Frazer,		

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	Alfred T. Pope,
James B. Casey,	J. B. Haydon,	W. H. Sneed,
John E. Cooper,	G. A. C. Holt,	W. L. Vories,
J. H. Dorman,	I. L. Hyatt,	Ben. J. Webb,
John J. Gatewood,	John W. Johnson,	Emery Whitaker—16.
Thomas F. Hargis,		

So said bill was rejected.

Mr. Prichard moved the following resolutions, viz:

WHEREAS, It now appears from the report of Hons. A. L. Martin and A. T. Pope, who were appointed by the Senate upon the committee of conference upon the disagreement of the two Houses upon the bill known as the common school law, that said conference committee have failed to agree upon a joint report touching said disagreement; and, as a result thereof, the said Martin and Pope have this day submitted their separate report to this Senate; therefore, be it

1. *Resolved*, That the Senate does hereby indorse the action of said Martin and Pope, and heartily indorse their report this day submitted.

2. *Resolved*, That the Senate continue the said committee of conference heretofore appointed by it.

Which were adopted.

Mr. Sneed moved the following resolution, viz:

WHEREAS, The Senate has indorsed and approved of the report of the Hons. A. L. Martin and Alfred T. Pope, of the joint committee of this General Assembly on the subject of district taxation for common school purposes:

Resolved, That it is the sense of the Senate that the present General Assembly shall not adjourn until the question involved in said report is settled upon the basis of said report.

And the question being taken on the adoption of said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Clay and Sneed, were as follows, viz:

Those who voted in the affirmative, were—

John E. Cooper,	A. L. Martin,	K. F. Prichard,
Thomas F. Hargis,	Alfred T. Pope,	W. H. Sneed—6.

Those who voted in the negative, were—

John S. Barlow,	John J. Gatewood,	I. L. Hyatt,
James B. Casey,	D. R. Haggard,	John W. Johnson,
James F. Clay,	H. S. Hale,	A. G. Talbott,
Harrison Cockrill,	Edwin Hawes,	Ben. J. Webb,

G. W. Connor, J. B. Haydon, Emery Whitaker,
J. H. Dorman, G. A. C. Holt, Thos. Wrightson—19.
W. W. Frazer,

A message was received from the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the Senate, entitled

An act to incorporate the Rockcastle Railway Company.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to incorporate the Wrightson Printing Company.

By Mr. Gatewood, from the Committee on Education—

A bill for the benefit of common school district No. 1, in Pendleton county.

By same—

A bill for the benefit of school district No. 21, in Carroll county.

By same—

A bill to amend an act, entitled "An act for the benefit of common school district No. 1, in Allen county."

By Mr. Barlow, from the Committee on Claims—

A bill for the benefit of Silas H. Hammond, common school commissioner of Powell county.

By Mr. Whitaker, from the Committee on Courts of Justice—

A bill to require all corporations created by or under any law of this Commonwealth to keep their chief office within its limits.

By same—

A bill to change and fix the time of holding the Estill county quarterly courts.

By same—

A bill for the benefit of Trimble county in voting subscription of stock to railroads.

By same—

A bill to change the time of holding elections for directors of the Bank of Newcastle.

By same—

A bill for the benefit of Wells, Mitchell & Co.

By Mr. Prichard, from the Committee on the Judiciary—

A bill to amend section 2 of an act, entitled "An act to authorize

M. B. Goble to erect a boom across Blain creek, in Lawrence county," approved March 18th, 1870.

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill to establish an additional justices' district in Bath county.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

A bill to amend an act, entitled "An act for the benefit of W. E. Duncan, sheriff of Warren county," approved February 6th, 1873.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hale, from the Committee on Finance, reported a bill, entitled

A bill to provide for the compensation of E. I. Bullock, G. W. Craddock, and J. M. Nesbitt, for services before the Joint Committee on the Revision of the Statutes.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts is authorized and directed to draw his warrant on the Treasurer in favor of E. I. Bullock, G. W. Craddock, and James M. Nesbitt, Commissioners to Revise the Statutes, for ten dollars per day, each, for the number of days they were actually in attendance before the joint committee of the two Houses during the sitting of said committee at the present session of the General Assembly.

§ 2. Before either of the Commissioners mentioned in the foregoing section shall be entitled to the warrant provided for in said section, he shall file an affidavit with the Auditor stating the number of days he was actually in attendance before the said joint committee.

§ 3. This act shall take effect on its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Thomas F. Hargis,	Alfred T. Pope,
R. A. Burton,	Edwin Hawes,	K. F. Prichard,
G. W. Connor,	J. B. Haydon,	A. G. Talbott,
John E. Cooper,	G. A. C. Holt,	W. L. Vories,
J. H. Dorman,	I. L. Hyatt,	Ben. J. Webb,
W. W. Frazer,	John W. Johnson,	Emery Whitaker,
John J. Gatewood,	A. L. McAfee,	Thos. Wrightson—22.
H. S. Hale,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. McManama, from a select committee, reported a bill, entitled

A bill for the benefit of the city of Lexington.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

Whereas, It is represented to this General Assembly that James F. Robinson, jr., William S. Chipley, John Marrs, and other persons, officers of the city of Lexington, were arrested, tried, and held to bail before William A. Merriwether, a Commissioner of the United States for the District of Kentucky, to answer any indictment which might thereafter be found against them for an alleged violation of an act of the Congress of the United States; and whereas, indictments have been found against said persons by the grand jury recently empanneled in the Circuit Court of the United States for the District of Kentucky; and whereas, it is represented to this General Assembly that the acts for which said persons were arrested, and are now under indictment, were acts done by them in the discharge of their duty as officers of the city of Lexington, and in pursuance of the Constitution and laws of this State; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the mayor of the city of Lexington is hereby authorized and empowered to employ, for and on behalf of the city of Lexington, such counsel as may be necessary, in his judgment, to defend the indictments now pending in the Circuit Court of the United States for the District of Kentucky against James F. Robinson, jr., William S. Chipley, John Marrs, and other election officers of the city of Lexington.

§ 2. That the council of the city of Lexington is hereby authorized to appropriate, out of any money in the treasury of the city of Lexington not otherwise appropriated, such sums as may, at any time, be necessary to pay said counsel fees, and all other such reasonable expenses as may have been heretofore, or may hereafter, be incurred in the defense of the said prosecutions against said persons.

§ 3. This act shall take effect from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	Alfred T. Pope,
R. A. Burton,	Thomas F. Hargis,	K. F. Prichard,
James B. Casey,	J. B. Haydon,	W. H. Sneed,
Harrison Cockrill,	I. L. Hyatt,	A. G. Talbott,
G. W. Connor,	John W. Johnson,	W. L. Vories,
John E. Cooper,	A. L. Martin,	Ben. J. Webb,
W. W. Frazer,	A. L. McAfee,	Emery Whitaker—23.
John J. Gatewood,	O. D. McManama,	

Those who voted in the negative, were—

James F. Clay	H. S. Hale,	G. A. C. Holt,
J. H. Dorman,	Edwin Hawes,	Thos. Wrightson—6.

Resolved, That the title of said bill be as aforesaid.

Mr. Haggard, from the Committee on Propositions and Grievances, reported a bill, entitled

A bill for the benefit of T. J. Smith and others.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That T. J. Smith, C. C. Patterson, John H. Mallory, and H. C. Hines, are hereby authorized, in a suit in their favor against the Commonwealth of Kentucky, in the Barren circuit court, to have process served on Monroe Adair, Commonwealth's Attorney for the fourth judicial district, and service, when made on him, shall be valid.

§ 2. This act shall take effect from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	I. L. Hyatt,	K. F. Prichard,
James B. Casey,	John W. Johnson,	A. G. Talbott,
John J. Gatewood,	A. L. Martin,	W. L. Vories,
D. R. Haggard	O. D. McManama,	Ben. J. Webb,
Thomas F. Hargis.	Alfred T. Pope,	Emery Whitaker—16.
G. A. C. Holt,		

Those who voted in the negative, were—

John S. Barlow, J. H. Dorman, J. B. Haydon,
G. W. Connor, Edwin Hawes, Thos. Wrightson—7.
John E. Cooper,

Resolved, That the title of said bill be as aforesaid.

And then the Senate adjourned.

FRIDAY, APRIL 18, 1873.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the town of Bellevue, in Campbell county.

An act for the benefit of George W. Sewall, common school commissioner of Breathitt county.

An act to incorporate the Mayslick and Mill Creek Turnpike Road Company, in Mason county.

An act for the benefit of William Paull, Wm. Dayton, and Milton Humble, of Robertson county.

An act authorizing druggists to sell spirituous liquors by retail in the town of West Liberty.

An act to incorporate the Southwest Kentucky Immigration and Real Estate Company.

An act for the benefit of the Tuckahoe Ridge Turnpike Road Company, in Mason county.

An act for the benefit of school district No. 27, in Ballard county.

An act to incorporate the Falmouth Turnpike Road Company, in Pendleton county.

An act to amend an act, entitled "An act to establish a new charter for the city of Louisville," approved March 3d, 1870.

An act to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved the 3d day of March, 1870.

An act to amend an act, entitled "An act for the benefit of W. E. Duncan, late sheriff of Warren county."

An act to amend the charter of the city of Louisville.

An act to charter the Ohio River, Owenton, and Lexington Railway Company.

An act to incorporate the Rockcastle Railway Company.

An act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road.

An act to incorporate the Mountain Railroad, Mining, and Manufacturing Company.

An act to incorporate the Calhoon and Rockport Packet Company.

With amendments to the last five named bills.

Which were taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Tradewater Navigation and Manufacturing Company.

An act to incorporate the Owensboro Building and Loan Association.

An act to authorize the sheriff and master commissioner of Fayette county to advertise sales of real estate and personal property in said county.

An act in regard to certain streets in the city of Louisville.

An act to incorporate the Lancaster Building and Loan Association.

That they had concurred in the adoption of a resolution which originated in the Senate, entitled

Resolution in relation to the final adjournment of this General Assembly.

With an amendment thereto.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to incorporate the Louisville Locomotive and Car Company.

2. An act for the benefit of Andrew J. McCampbell, late sheriff of Jessamine county.

3. An act to incorporate the Kentucky Central Park Association, of Boyle county.

4. An act to amend an act, entitled "An act to incorporate the Louisville Orphans' Home Society," approved February 26th, 1849.

5. An act to amend an act to incorporate the Massie's Mill Turnpike Road Company, approved March 7th, 1868.

6. An act for the benefit of Gobrias Terry, Ben. T. Perkins, sr., and S. H. Perkins.

7. An act to incorporate the town of Cherry Hill, in Trigg county.

8. An act for the benefit of school district No. 29, in Washington county.

9. An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

10. An act to amend an act to authorize the voters of the town of Clinton to vote upon the proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of same.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 2d to the Committee on Finance; the 4th to the Committee on Agriculture and Manufactures; the 7th and 9th to the Committee on Courts of Justice; the 8th to the Committee on Education, and the 1st, 3d, 5th, 6th, and 10th were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Hale, from the Committee on Finance—

An act for the benefit of Benjamin Stumbough and others, of Johnson county.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to charter the Lyon Iron Mining Company.

By same—

An act to amend an act to incorporate the Commonwealth Printing Company.

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of James A. Allen, jailer of Bourbon county.

By Mr. Martin, from the Committee on Education—

An act for the benefit of common school district No 34, in Bracken county.

By same—

An act to amend an act, entitled "An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts."

By same—

An act to establish schools for the education of children of citizens of African descent, in McCracken county.

By same—

An act to amend an act, entitled "An act to incorporate the Clayville Male and Female Academy."

By same—

An act for the organization of public schools in the town of Clayville, in Webster county.

By same—

An act for the benefit of school district No. 7, in Marion county.

By Mr. Whitaker, from the Committee on Banks and Insurance—

An act to incorporate the South and West Banking Company.

By Mr. Duvall, from the Committee on Internal Improvement—

An act to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company.

By same—

An act to amend the charter of the Bryantsville and Cane Run Turnpike Road Company.

By same—

An act to repeal an act to amend the charter of the Winchester and Red River Turnpike Road Company, approved March 20th, 1872.

By same—

An act to amend an act, entitled "An act to incorporate the Eminence and Mulberry Turnpike Road Company."

By same—

An act to prevent trespass upon inclosed lands in Harrison county.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to incorporate the town of Anderson City.

By Mr. Pope, from the Committee on the Judiciary—

An act in relation to inquests of lunacy in Jefferson county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act to declare the lower Long Branch of Grassy creek, in Morgan county, a navigable stream, from its mouth to opposite the school-house on the lands of Jackson Goodpasture.

By same—

An act to declare Swinge Cat Fork of Big creek, in Pike county, a navigable stream for a distance of four miles from its mouth.

By same—

An act declaring all that part of Caney Fork of Wolf creek, in Russell county, a navigable stream, that lies between Dick's Branch and Wolf creek.

By same—

An act defining the boundary line between the counties of Clay and Bell.

By same—

An act to declare the State Road Fork of Licking river, in Magoffin county, a navigable stream, from its mouth to John Q. O'Baley's mill.

By same—

An act fixing the time for the jailers of Cumberland and Clinton counties to enter upon the duties of their offices.

By Mr. Talbott, from the Committee on Railroads—

An act to establish tram-tracks or rail-ways to navigable streams and railroads in Rockcastle county.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

An act to amend the Revised Statutes, chapter 43, article 2, section 4.

By Mr. Hawes, from the Committee on Religion and Morals—

An act to amend an act to prohibit the sale of intoxicating liquors in the county of Bullitt, approved March 21st, 1871.

By same—

An act to prohibit the sale of liquors in the town of Eminence, Henry county.

By Mr. Hale, from the Committee on Finance—

An act for the benefit of John F. King, sheriff of Knox county.

By Mr. Clay, from the Committee on Railroads—

An act to amend the charter of the South Kentucky Railroad Company.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to amend the charter of the town of Crofton, in Christian county.

With amendments to the last three named bills.

Which were adopted.

Ordered, That said bills, the last three named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Clay, from the Committee on the Judiciary, reported a bill, entitled

A bill to fix and determine the boundary line between the States of Indiana and Kentucky, above and near Evansville.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, Difficulty has arisen between the owners of land in Indiana and Kentucky in regard to the boundary line between said States, and said difficulty involves the title to large tracts of land at or near the line between Green River Island and the State of Indiana; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor of the State be, and he is hereby, empowered and directed to select a commissioner, who shall be a resident of Kentucky, and a practical surveyor, who shall act with a similar person selected by the Governor of the State of Indiana, and such persons so selected shall make a survey of the line dividing said States, beginning at the head of the island known as Green River Island, opposite, or nearly so, from the mouth of Green river; running thence in a direction down the Ohio river to the lower end of said island, upon a line dividing said island and the State of Kentucky from the State of Indiana. Said commissioners shall consult the surveys originally made by the United States Government, if there be more than one, and they be not inconsistent with each other, and said commissioners shall be governed in running said line by such survey or surveys made by the government of the United States. Within ten days after such survey, said commissioners shall reduce said survey to writing, causing the metes and bounds and landmarks to be particularly described, and sign the same and acknowledge the same before any officer authorized to take acknowledgments of deeds, and duplicates of such written statement of survey, signed and acknowledged by the commissioners, shall be filed in the office of the clerk of the Hen-

derson county court, in the auditor's office of Vanderburgh and Warrick counties, Indiana; and such written statement, or a copy duly certified by the clerk of the said Henderson county court, shall be conclusive evidence of the said line dividing said island, so called, from said State of Indiana, in any of the courts of this State.

§ 2. The commissioner to be appointed under this act shall report to the Governor, in writing, the result of the survey, together with a plat of the same. When said survey shall have been completed, the commissioner shall file his account with the Governor, and when the same shall be examined and approved by him, the Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasury for said amount in favor of the commissioner appointed: *Provided, however*, Said amount shall not exceed the sum of two hundred and fifty dollars.

§ 3. This act shall take effect and be in force from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
R. A. Burton,	John J. Gatewood,	A. L. McAfee,
James B. Casey,	D. R. Haggard,	O. D. McManama,
James F. Clay,	H. S. Hale,	Alfred T. Pope,
G. W. Connor,	Thomas F. Hargis,	K. F. Prichard,
John E. Cooper,	I. L. Hyatt,	W. H. Sneed,
F. W. Darby,	John W. Johnson,	A. G. Talbott,
W. McKee Fox,	Wm. Johnson,	Ben. J. Webb—24.

In the negative, J. B. Haydon—1.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, entitled

A bill to promote the science of anatomy and surgery,

Together with the pending amendments.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the constituted authorities, in any county, city, or town in this State, to deliver up to the teachers in medical schools, and to the members of any regularly organized medical association, upon their application for the same, the body of any criminal executed in this State, and the body of any such persons dying in hospitals or other places where they may have been cared for during their lives at the public expense, and where burial also would be a public charge, as may not be claimed within twenty-four hours after death by persons who would take on themselves the expense of said burial: *Provided*, That the person or persons applying for said bodies shall, at the time of said application, state, in writing, that it is their intention to use said body simply for anatomizing and practicing those surgical operations the proper performance of which upon the living is made incumbent by law upon all who practice the medical profession; and at the time of said application, and before receiving said body, shall execute a covenant to the Commonwealth

of Kentucky, with good and sufficient security, guaranteeing that said body shall be used for this purpose and none other; and after being so used, for not more than thirty days, shall be incoffined and buried in some public burying-ground, at the expense of the person or persons who applied for and received the same; and the proper burial of said body shall be evidence to the authorities delivering up the same by the affidavit of the sexton of the public burying-ground where the said body may be buried, or, in the absence of the sexton, by the affidavit of two or more disinterested persons, stating that they had witnessed the same; and said affidavit shall be filed in the proper office of said authorities, and recorded in a book to be kept for that purpose and none other.

§ 2. If any person or persons avail himself or themselves of the provisions of this act, and fail to perform each and every of the undertakings herein required, he or they shall forfeit and pay to the Commonwealth of Kentucky a sum not less than five hundred dollars nor more than one thousand dollars, recoverable on indictment by the grand jury in any court of competent jurisdiction in the county where the cause of action may arise.

§ 3. The penalties imposed under this statute, when paid, shall be placed by the Auditor to the credit of the common school fund of the county where the cause shall be tried and judgment rendered.

The amendment proposed by the committee as a substitute for said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for any public officer having charge thereof, or control over the same, to deliver up to the teachers in medical schools, and to the members of any regularly organized medical association, upon their application for the same, the body of any criminal executed in this State, and the bodies of any such persons dying in hospitals, where they may have been cared for while living at the public expense, and where burial also would be a public charge, as may not be claimed within twenty-four hours after death by friends, who would take on themselves the expense of said burial: *Provided, however*, That if the deceased person, during his or her last sickness, shall request to be buried; or if any person claiming to be, and satisfying the said authorities that he or she is, of kindred to the deceased, shall ask to have the body for burial, it shall be surrendered for interment; or if such deceased person was a stranger or traveler, who died from any casualty or disease whatever, or the inmate of any of the public charitable institutions of the Commonwealth, the body shall be buried, and shall not be handed over or delivered up as aforesaid.

§ 2. That the physician or physicians applying for said bodies shall, at the time of said application, state, in writing, that it is his or their intention to use said body, within this State, only for the promotion of the science of anatomy and surgery; and at the time of said application, and before receiving said body, shall execute a covenant to the Commonwealth of Kentucky, with good and sufficient surety, that said body shall be used for this purpose, and no other; and after being so used, shall be incoffined and buried at the expense of the person or persons applying for and receiving the same; and the proper burial of said body shall be evidenced to the clerk of the county court of the county where said body shall be buried, by the affidavit of the sexton of the burying-ground where said body may be buried; or, in the absence of the sexton, by the affidavit of

two or more disinterested persons, stating that they had witnessed the same; and said affidavit shall be filed in the office of the clerk of the county court, and recorded by him in a separate book, to be kept for that purpose, and none other.

§ 3. If any person or persons avail himself or themselves of the provisions of this act, and fail to perform each and every of the undertakings herein required, he or they shall forfeit and pay to the Commonwealth of Kentucky a sum not less than five hundred dollars, nor more than one thousand dollars, recoverable, on indictment by the grand jury, in any court of competent jurisdiction in the county where the cause of action may arise, or be confined in the penitentiary for five years, at the discretion of the jury.

§ 4. The penalties imposed under this statute, when paid, shall be placed by the Auditor to the credit of the common school fund of the county where the cause shall be tried and the judgment rendered.

§ 5. This act shall take effect and be in force from its passage.

The amendment proposed by Mr. Vories reads as follows, viz:

Amend 1st section by striking out the words "requested to be buried," and insert "requested to be delivered to the Faculty."

The question was then taken on the adoption of the amendment proposed by Mr. Vories, and it was decided in the negative.

The question was then taken on the adoption of the substitute offered by the committee, and it was decided in the affirmative.

The question was then taken on ordering said bill to be read a third time, and it was decided in the affirmative.

The third reading of said bill having been dispensed with,

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hawes and Wm. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

R A. Burton,	D. R. Haggard,	K. F. Prichard,
James F. Clay	A. L. Martin,	A. G. Talbott,
G. W. Connor,	O. D. McManama,	Ben. J. Webb—10.
W. McKee Fox,		

Those who voted in the negative, were—

John S. Barlow,	John J. Gatewood,	G. A. C. Holt,
Harrison Cockrill,	Jesse C. Gilbert,	I. L. Hyatt,
John E. Cooper,	H. S. Hale,	John W. Johnson,
F. W. Darby,	Thomas F. Hargis,	Wm. Johnson,
William P. Duvall,	Edwin Hawes,	W. H. Sneed,
W. W. Frazer,	J. B. Haydon,	Emery Whitaker—18.

So said bill was rejected.

A message was received from the Governor by Mr. Craddock, Secretary of State, announcing that the Governor had approved

and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the town of Danville.

An act to change the time of holding the Grant county quarterly court.

An act for the benefit of R. G. Scott, of Rowan county.

An act to prevent cattle, horses, sheep, mules, and jennets from running loose on the public highways within a radius of two miles of the Dry Ridge, in Grant county.

An act providing for the collection of the railroad tax in the county of Montgomery.

An act to charter the Southern Land and Construction Company.

An act to provide for the registration of bonds and obligations issued by counties, districts, municipal corporations, and other corporations.

An act for the benefit of J. W. Bradburn, of Hardin county, and others.

An act for the benefit of school district No. 30, in Butler county.

An act to incorporate the Henderson Library Association.

An act to legalize the proceedings of the president and directors of the Danville and Hustonville Turnpike Road Company.

An act to require attachments from other counties to be noted of record in the office of the county clerk of Jefferson county.

An act providing compensation for the services of W. R. Bradley in the defense of the action of the State of Missouri against the State of Kentucky for the recovery of Wolf Island.

An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Frankfort," approved March 16th, 1869.

An act exempting the county of Hart from erecting fire-proof vaults in said county.

An act to incorporate the Tug River Coal Railroad Company.

An act to pay for the erection of a stable for use of Penitentiary.

An act to prohibit the sale of spirituous, vinous, or malt liquors at Island Station, or within two miles thereof, in McLean county.

An act to amend section fourteen of article five of the charter of the city of Hopkinsville, passed March 5th, 1870.

An act to authorize the United States to condemn land in the city of Covington as a site for their public buildings.

An act repealing the charter of the St. Matthew's and Goose Creek Turnpike Road Company.

An act to amend the charter of the Shelbyville and Louisville Turnpike Road Company.

An act for the benefit of school district No. 1, of Metcalfe county.

An act for the benefit and relief of persons who have paid tax on income from United States bonds, imposed by an act passed and approved March 8th, 1867.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Louisville and Cane Run Road Company;

An act to incorporate the Harlan County Mining and Railroad Company;

An act to repeal the fourth section of an act, entitled "An act to incorporate the Lee County Lumbering, Mining, and Manufacturing Company;"

An act for the benefit of common school district No. 1, Lawrence county;

An act to amend chapter 102, entitled "Treasury Warrant Claims," of the Revised Statutes;

An act amending an act approved February 6th, 1873, entitled "An act partitioning the Fairfield and Samuels' Depot Turnpike Road, and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company, and the Samuels' Depot and Cox's Creek Turnpike Road Company;"

An act for the benefit of Perry Jefferson, sheriff of Mason county;

An act for the benefit of Simon Humphrey, late sheriff of Nelson county;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Sanford Goin, of Franklin county;

An act for the benefit of Lewis Plummer, jailer of Lewis county;

An act to amend the charter of the town of Livermore, in McLean county;

An act to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Butler, Grayson, and Edmonson," approved March 28th, 1872;

An act in relation to persons convicted of penal offenses in Union county;

An act for the benefit of James Hogg, committee of Nancy Frazer, a pauper idiot, now of Rowan county;

An act for the benefit of S. M. Goble, of Carter county;

An act for the benefit of the Auditor of Public Accounts;

An act to incorporate the Mount Sterling Gas-light Company;

An act for the benefit of Wm. R. Williams, of Elliott county;

An act for the benefit of M. T. Lowry, of Jessamine county;

An act in relation to granting license for the sale of liquors in the town of Harrodsburg;

An act for the benefit of Thos. H. Curd, Geo. W. Nell, and W. J. Payne;

An act to change the boundary line of the town of Clinton, in Hickman county;

An act to repeal an act, entitled "An act to amend the charter of the Danville and Hustonville Turnpike Road Company," approved February 24th, 1870;

An act to amend an act, entitled "An act to reduce into one the several acts in relation to the city of Frankfort, and for other purposes;"

An act to amend an act, entitled "An act for the benefit of Kenton county;"

An act to prohibit the submission of the question of taxation for railroad purposes in the county of Henry;

An act to amend section 191 of act revising the charter of the city of Paducah, Kentucky, approved March 27th, 1872;

An act to amend section 153, title "City Tax Collector," of an act revising the charter of the city of Paducah, Kentucky, approved March 27th, 1872;

An act repealing an act preventing the setting of nets, seining, &c., in the streams, or parts of streams, in the counties of Trimble and Carroll;

An act for the benefit of A. J. Cocanaugher, late sheriff of Washington county;

An act to legalize the action of the Warren county court in borrowing seven thousand dollars for bridge purposes of Warren county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto,

and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Mr. Martin, from the Committee on Education, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to establish and maintain a public school in district No. 1, in Pulaski county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

The Senate took up for consideration the report of the committee on the Louisiana resolutions, which reads as follows, viz:

[*For Report—see Legislative Document No. 22.*]

The question was then taken on the adoption of the report, and it was decided in the affirmative.

Mr. Hargis, from the Committee on the Judiciary, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to incorporate the town of Haggard, in Perry county,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Mr. Casey, from the Committee on Finance, reported a bill, entitled

A bill for the benefit of John J. Macklin, former sheriff of Kenton county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be instructed to draw his warrant

on the Treasurer for two hundred and twenty-one dollars and ten cents, in favor of John J. Macklin, former sheriff of Kenton county, the said amount being for five per cent. penalties on taxes collected on or before the first day of April, 1872, and paid into the State Treasury by said Macklin, no portion of which was collected by said Macklin from tax-payers.

§ 2. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
R. A. Burton,	John J. Gatewood,	A. L. McAfee,
James B. Casey,	Jesse C. Gilbert,	Alfred T. Pope,
James F. Clay,	D. R. Haggard	K. F. Prichard,
Harrison Cockrill,	Thomas F. Hargis.	W. H. Sneed,
G. W. Connor,	J. B. Haydon,	A. G. Talbott,
F. W. Darby,	G. A. C. Holt,	Ben. J. Webb,
William P. Duvall,	I. L. Hyatt,	Emery Whitaker—26.
W. McKee Fox,	John W. Johnson,	

In the negative, Edwin Hawes—1.

Mr. Sneed, from the Committee on Finance, to whom had been referred a bill, which originated in the House of Representatives, entitled

An act for the benefit of Merrill Hardin, of Garrard county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

Whereas, The Legislature of Kentucky, by an act approved 6th day of March, 1872, empowered and directed the Auditor of Public Accounts to draw his warrant upon the Treasurer of the State for the sum of four thousand and eighty-four dollars and fifty-six cents in favor of Merrill Hardin, for the reasons recited in the preamble to said act, which sum was accordingly so paid by the Treasurer to Hardin on the 21st day of March, 1872; and whereas, the liens mentioned in said preamble are now being enforced by appropriate judicial proceedings in the Garrard circuit court; and said Hardin thereby deprived of all benefits of his purchase, and made to account for rents, it is deemed right and proper that he should be accounted to by the Commonwealth for the interest upon the aforesaid sum from the 6th March, 1866, the date that he paid it, until refunded by the Treasurer; now, therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Auditor of Public Accounts be, and he is hereby, empowered and directed to draw his warrant upon the Treasurer of the State for the sum of one thousand three hundred and seventeen dollars and twenty-five cents, being the amount of said interest, in favor of said Merrill Hardin;

and the Treasurer is directed to pay the same out of any funds not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

James B. Casey,	Thomas F. Hargis,	O. D. McManama,
G. W. Connor,	J. B. Haydon,	Alfred T. Pope,
John E. Cooper,	I. L. Hyatt,	W. H. Sneed,
William P. Duvall,	A. L. Martin,	A. G. Talbott,
W. McKee Fox,	A. L. McAfee,	Ben. J. Webb—16.
John J. Gatewood,		

Those who voted in the negative, were—

John S. Barlow,	Jesse C. Gilbert,	John W. Johnson,
James F. Clay,	D. R. Haggard,	Wm. Johnson,
Harrison Cockrill,	H. S. Hale,	K. F. Prichard,
F. W. Darby,	Edwin Hawes,	Emery Whitaker—13.
W. W. Frazer,		

So said bill was disagreed to.

Mr. Gilbert moved to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to incorporate the Scuffletown Fence Company," approved March 21, 1872.

Which motion was simply entered.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Talbott, from the Committee on Charitable Institutions—

1. A bill extending further time to the county of Boyle in which to provide fire-proof vaults for county records.

By Mr. Whitaker, from the Committee on Courts of Justice—

2. A bill to amend article 2, chapter —, title "Militia."

By Mr. Clay, from the Committee on the Judiciary—

3. A bill to authorize sureties for costs to obtain a release from further liability.

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

4. A bill to amend the charter of the city of Ludlow.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

5. A bill to charter the Lenni Mining Company.

By same—

6. A bill to incorporate the Lambert Mining Company.

By Mr. Pope, from the Committee on the Judiciary—

7. A bill to authorize the clerk of the Jefferson county court to make an index and cross-index of said county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

8. A bill to protect graveyards and cemeteries.

By Mr. Gatewood, from the Committee on Revised Statutes and Codes of Practice—

9. A bill for the benefit of the judge of the Warren court of common pleas.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

10. A bill to incorporate the Good Templars Aid Society, of Franklin county.

By Mr. McManama, from the Committee on Courts of Justice—

11. A bill to repeal an act, entitled "An act authorizing E. H. Smith and others to close an alley in Williamstown, Grant county."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was recommitted to the Committee on Courts of Justice, and all the others were ordered to be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, which is as follows, viz:

The House has adopted chapter 96, title "Revenue and Taxation," with the following amendments thereto, viz:

1. Amend article 1, section 3, line 10, by adding after the words "Odd Fellows" these words, "or incorporated Lodges of Knights of Pythias."

2. Amend article 1, section 3, by adding after the words "United States bonds," the words "except the interest arising on said bonds, which shall be liable under the residuary clause of this act."

3. In article 2, section 15, line 14, strike out all after the words "fifty cents," in lines 14, 15, 16, and 17.

4. Strike out section 8 of article 8, and substitute the following, viz:

§ 8. That the sheriff or collector of the State revenue in each county of this Commonwealth shall, on the first day of October, and every ninety

days thereafter, under oath, report to the Auditor of Public Accounts the amount of taxes he has collected, and pay the same over immediately; and shall account for, and pay all taxes for which he is bound, into the State Treasury by the first day of April in each year; and upon his failure to do so, he and his sureties shall be liable therefor, and shall be proceeded against at the first term of the Franklin circuit court. Any person or persons failing to pay their taxes by the first day of April, in the year following the assessment for such taxes, shall pay five per cent. additional on the tax so due and unpaid. The Auditor, in his settlement with the sheriff, shall charge him with the five per cent. accruing under the provisions of this act.

The House has adopted with amendment chapter 113, title "Revenue Agent," chapter 114, title "Sinking Fund."

The first and second amendments proposed by the House of Representatives were taken up and concurred in.

The question was taken on concurring in the third amendment proposed by the House of Representatives, and it was decided in the negative.

The fourth amendment was then taken up.

Mr. Gilbert moved to amend the eighth section, in line four, by striking out the word "ninety," and inserting in lieu thereof the word "sixty."

Which was adopted.

Mr. Wm. Johnson then moved to amend said section by adding thereto the following, viz:

Any sheriff who shall fail to report as herein required shall be liable to indictment in the Franklin circuit court, and fined not less than one hundred dollars nor more than five hundred dollars for each offense; and it shall be the duty of the Auditor to report to the grand jury of Franklin county, at the next term of said court after such failure to report, the name of each sheriff so failing to report.

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the amendment proposed by the House of Representatives, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Frazer and Hawes, were as follows, viz:

Those who voted in the affirmative, were—

James B. Casey,	Jesse C. Gilbert,	O. D. McManama,
James F. Clay,	Thomas F. Hargis,	Alfred T. Pope,
F. W. Darby,	G. A. C. Holt,	A. G. Talbott,
William P. Duvall,	John W. Johnson,	Ben. J. Webb—13.
W. W. Frazer,		

Those who voted in the negative, were—

John S. Barlow,	D. R. Haggard,	Wm. Johnson,
Harrison Cockrill,	H. S. Hale,	K. F. Prichard,
John E. Cooper,	Edwin Hawes,	Emery Whitaker—11.
John J. Gatewood,	I. L. Hyatt,	

Mr. Martin, from the committee of conference, whose duty it had been made to take into consideration the disagreement between the two Houses in relation to certain amendments proposed by the House of Representatives to chapter 19, title "Common Schools," made the following report, viz:

Your committee, to whom was referred the disagreement between the two Houses upon chapter 19, title "Common Schools," beg leave to submit the following report, and recommend its adoption, viz:

1. The House of Representatives to recede from their first proposed amendment, which was to strike out article two.
2. The House to recede from their second amendment, which is to strike out section eight of article seven.
3. Amend article two, section nine, by striking out "forty," in the fourth line, and inserting in lieu thereof "thirty."
4. Amend article two, section eight, by striking out the word "forty," in first line, and inserting the word "twenty-five" in lieu thereof.

A. L. MARTIN,
Chairman Senate Committee.
A. T. POPE.
E. A. GRAVES,
Chairman House Committee.
THOS. M. JOHNSON,
JAMES GARNETT.

The question was then taken on the adoption of the report of the committee, and it was decided in the affirmative.

A message was received from the House of Representatives, announcing that they had also adopted said report.

And then the Senate adjourned.

SATURDAY, APRIL 19, 1873.

Hon. John G. Carlisle presiding.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Marshal Morris, of Grayson county.

An act for the benefit of Alexander Cook and Sarah Cook, of Trimble county.

An act for the benefit of Wm. T. Moore.

An act for the benefit of Wells, Mitchell & Co.

An act concerning the various charitable institutions in this Commonwealth,

With an amendment to the last named bill.

Which was taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills and adopted a resolution of the following titles, viz:

1. An act to allow the erection of a public warehouse in Carroll county.

2. An act for the benefit of the town of Clinton.

3. An act to incorporate the Cumberland Valley Mining Company.

4. An act in relation to the convicts of the Penitentiary.

5. An act to amend section 519 of the Civil Code of Practice.

6. A resolution in relation to certain acts of the Congress of the United States.

Which bills and resolution were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 5th was ordered to be printed and made the special order of the day for Monday next, the 21st inst.; the 6th was placed in the orders of the day, and all the rest of said bills were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration the amendment proposed by the House of Representatives to a resolution, which originated in the Senate, entitled

Resolution in relation to the final adjournment of this General Assembly.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when this General Assembly adjourns on Friday, the 18th of April, 1873, it will adjourn *sine die*.

The amendment proposed by the House of Representatives reads as follows, viz:

Strike out Friday, the 18th of April, and insert in lieu thereof Tuesday, the 22d of April.

The question was then taken on concurring in said proposed amendment, and it was decided in the affirmative.

On motion of Mr. Clay, leave was given to bring in a bill, entitled

A bill to amend the charter of the city of Henderson.

Ordered, That the Committee on the Judiciary prepare and bring in the same.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Webb, from the Committee on Agriculture and Manufactures—

A bill to incorporate the Danville Gas-light Company.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

A bill concerning the town of Burksville.

By Mr. Gilbert, from the Committee on Courts of Justice—

A bill to amend the charter of the city of Covington.

By Mr. Pope, from the Committee on the Judiciary—

A bill to amend the charter of the city of Covington.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to amend the charter of the town of Lancaster."

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had passed a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to incorporate the Scuffletown Fence Company," approved March 21st, 1872.

Mr. Pope moved to lay said motion to reconsider said vote on the table.

And the question being taken thereon, it was decided in the affirmative.

Mr. Wm. Johnson moved to reconsider the vote by which the Senate had passed a bill, which orginated in the House of Representatives, entitled

An act to amend the charter of the town of Crofton, in Christian county.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, was reconsidered.

Mr. Wm. Johnson then moved to reconsider the vote by which the Senate had adopted an amendment to said bill, and it was decided in the affirmative.

Ordered, That said bill be read a third time.

The question was then taken on dispensing with the third reading of said bill, and it was decided in the negative.

So said bill was disagreed to.

The Senate took up for consideration a bill, entitled

A bill to prevent collecting officers from gambling.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of Merrill Hardin, of Garrard county.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Harrison Cockrill,	Thomas F. Hargis,	W. H. Sneed,
John E. Cooper,	John W. Johnson,	A. G. Talbott,
William P. Duvall,	A. L. Martin,	Ben. J. Webb,
John J. Gatewood,	Alfred T. Pope,	Emery Whitaker—14.
D. R. Haggard,	K. F. Prichard,	

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	Jesse C. Gilbert,
James F. Clay,	W. W. Frazer,	Wm. Johnson—7.
G. W. Connor,		

So said bill was again disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of John Gibbs, of Wolfe county.

By Mr. Wm. Johnson, from the Committee on the Judiciary—

An act to repeal an act, entitled "An act relating to school district No. 14, in Simpson county,"

By Mr. Gatewood, from the Committee on Education—

An act for the benefit of school district No. 29, in Washington county.

By Mr. Hale, from the Committee on Finance—

An act for the benefit of Andrew J. McCampbell, late sheriff of Jessamine county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

An act to declare Rock House Fork of Licking river a navigable stream.

By Mr. John W. Johnson, from the Committee on Religion and Morals—

An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Campbellsville," approved March 21st, 1871.

By same—

An act to incorporate the Grand Lodge of the American Protestant Association of Kentucky.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to amend an act, entitled "An act to incorporate the Louisville Orphans' Home Society," approved February 26th, 1849.

By Mr. Holt, from the Committee on Courts of Justice—

An act to repeal an act, entitled "An act to declare certain lakes and creeks in Ballard county navigable."

By Mr. Fox, from the Committee on Revised Statutes and Codes of Practice—

An act for the benefit of Henry H. Moody, of Green county.

By Mr. McManama, from the Committee on Courts of Justice—

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

By Mr. Holt, from the Committee on Military Affairs—

An act to amend an act to pay military claims audited by the Quarter-Master General.

By Mr. Gilbert, from the Committee on Courts of Justice—

An act to amend the charter of Russellville.

With amendments to the last two named bills.

Which were adopted.

Ordered, That said bills, the last two named as amended, be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope moved to reconsider the vote by which the Senate had passed a bill, which originated in the House of Representatives, entitled

An act to repeal an act, entitled "An act relating to school district No. 14, in Simpson county."

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the negative.

So said bill was disagreed to.

Mr. Gatewood moved the following resolution, viz:

Resolved, That after this day no new bills shall be brought before the Senate.

Which was twice read and adopted.

A message was received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the town of Lynnville, in Graves county.

An act to empower the county court of Mercer county to make subscription to capital stock in turnpike roads in Mercer county.

An act to incorporate the Falls City Club of the city of Louisville.

An act to authorize any constable of Washington county to execute final process from certain courts.

An act to incorporate Clay Lodge, No. 1, Knights of Pythias.

An act to amend an act, entitled "An act to amend and make into one the several acts relating to the charter and amendments thereto of the town of Mount Sterling," approved March 18th, 1871, and to repeal chapter 262.

An act to incorporate the American Industrial College.

An act to change the time of holding circuit courts in the 13th judicial district.

An act to exempt certain lands within the corporate limits of the town of Greenup from municipal taxation.

An act for the benefit of Jos. W. Winlock.

An act amending an act approved January 24th, 1871, entitled "An act to amend and reduce into one the several acts in relation to the road laws of Greenup county."

An act to provide for the construction and completion of turnpike roads in Scott county.

An act to amend and reduce into one the several acts relating to Stanford Female College.

An act to incorporate the Immigration Association of Kentucky.

An act for the benefit of school district No. 59, in Hart county.

An act to incorporate Valley Lodge, No. 511, A. Y. M., in Jefferson county.

An act for the benefit of Bethel Academy, in the county of Jessamine.

An act to incorporate the Columbia Christian College.

An act to change the time of holding the circuit, criminal, and chancery courts in the 12th judicial district.

An act to incorporate the Oakland Iron Company.

An act to incorporate the Henderson Water-works Company.

An act to amend an act, entitled "An act to provide for the location and erection of the Third Lunatic Asylum."

An act to authorize the holding of special chancery courts in the county of Rockcastle.

An act to limit the jurisdiction of the police judge of the town of Dixon, in Webster county.

An act for the benefit of turnpike district No. 2, in Henry county.

An act in relation to the sheriff of Calloway county.

An act to incorporate the Forest Hill Building and Loan Association, of West Covington.

An act to amend the charter of the city of Bowling Green.

An act to amend an act, entitled "An act for the benefit of school district No. 15, in Larue county."

An act for the benefit of the Paducah and Northeastern Railroad Company.

An act to amend an act, entitled "An act for the benefit of common schools in Bracken county."

An act to prohibit the sale of spirituous or intoxicating liquors at Mercer's Station, in Muhlenburg county.

An act to prescribe and regulate the rates of ferriage upon the Ohio river for boats plying to and from the corporate limits of the town of Greenup.

An act for the benefit of John W. Duncan, collector of the revenue due from Wayne county for the years 1863 and 1864.

An act for the benefit of Henry C. Fitzpatrick, collector of the revenue for Floyd county for the year 1870.

An act to incorporate the Crab Orchard Salts Manufacturing Company at Crab Orchard Springs.

An act to regulate the pay of the members of the court of claims of Todd county.

An act to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county."

An act to authorize a vote upon the sale of liquor in Highland, Lincoln county.

An act to amend the charter of the city of Covington.

An act to re-enact an act, entitled "An act to incorporate the Boyd County Navigation, Manufacturing, and Improvement Company," approved February 8th, 1871.

An act to amend an act to charter the town of Prestonville, in Carroll county.

An act to amend an act, entitled "An act giving the trustees of the common school district in Catlettsburg the right to levy a tax for two years to build a school-house in said district," approved March 5th, 1872, and to establish and maintain public schools in the town of Catlettsburg.

A message in writing was received from the Governor by Mr. Craddock, Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, April 19, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

Wm. Reinecke, Jefferson county.
John M. Harbeson, Bracken county.
Francis J. Sutton, Campbell county.
James D. Rutherford, Todd county.
James W. Austin, Trimble county.
A. M. Brown, Hardin county.
Sylvester Rapier, Nelson county.
W. Warren, Fayette county.
John B. Lindsey, Franklin county.
E. E. McKay, Nelson county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Minett Orphan Asylum of the city of Louisville.

Said bill reads as follows, viz:

WHEREAS, By the will of Julius C. Minett, late of the State of New Jersey, which will has been ordered to record in the office of the Jefferson

county court, there is the following devise, to-wit: "Ninth. It is my will, and I do give a certain parcel of real estate, containing about two acres, in the city of Louisville, Kentucky, it being the undivided one half of four acres now held by Israel B. Alford, of said city, and myself, to build an orphan asylum upon, to be under the control of the rector and church wardens of the various Protestant Episcopal Churches as a board of directors, and the Bishop of the diocese as president, within the precinct of the said city. It is my will, and I do give, one thousand dollars towards a permanent fund for the endowment of said asylum: *Provided*, That, although under the control of only Episcopal, it shall be free to the orphans of all denominations and races of men;" now, therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Right Reverend Benjamin B. Smith, Bishop of the Protestant Episcopal Church in the diocese of Kentucky, James Craik, rector, and John M. Robinson and William Cornwall, wardens of Christ Church; E. T. Perkins, rector, and W. F. Bullock and R. A. Robinson, wardens of St. Paul's Church; Wm. C. Butler and Jas. P. Arnold and D. L. Miller, wardens of St. John's Church; Louis P. Tscheffelly, rector, and J. M. Bodine and Silas F. Miller, wardens of Grace Church; C. H. Shield, rector, and W. S. Parker and J. E. Hardy, wardens of St. Andrew's Church; W. H. Platt, rector, and Louis Tripp and James Bridgeford, wardens of Calvary Church; Robert M. Baker, rector, and Horace Gooch and Arthur Heder, wardens of Zion's Church; Joseph S. Malone, rector, and Wm. A. Meriwether and Wm. McCready, wardens of Emanuel Church; Thomas G. Porter, rector, and John W. Stine and Thomas J. Wyatt, wardens of Trinity Church; Louis P. Tscheffelly, rector, and C. W. Parsons and J. H. Bunce, wardens of St. Peter's Church; J. N. Norton, rector, and N. B. Rogers and H. Pickett, wardens of the Church of our Merciful Saviour; James Craik, rector, and Wm. Babb and Henry W. Barrett, wardens of the Church of the Advent, being the rectors and wardens of the various Protestant Episcopal Churches in the city of Louisville, and their successors in office, be, and they are hereby, declared a body corporate, under the name and style of the President and Directors of the Minett Orphan Asylum of the city of Louisville; and by that name may take and hold to themselves and their successors in office the real estate and money devised as aforesaid, to be used and applied as required by the terms of said will. The said corporation may also take, by purchase or devise, and hold the same, as aforesaid, any other property or money for the purposes of said institution, the interest on which shall not exceed the sum of ten thousand dollars per annum.

§ 2. The Bishop of the Protestant Episcopal Church in the diocese of Kentucky, and the rectors and wardens for the time being of the several churches named in the first section of this act, shall always constitute the board of president and directors as provided therein.

§ 3. It shall be competent for the said board to designate one rector or warden from each of the churches aforesaid, who shall constitute an executive committee, whose duty it shall be to administer the affairs of said asylum, and a majority of said committee shall be competent to do business.

§ 4. It shall be competent for the president and directors to make such regulations and by-laws, from time to time, not inconsistent with this act, as to them may seem proper and necessary.

§ 5. This act shall take effect from its passage.

The question was then taken on reconsidering the vote by which the Senate had disagreed to the passage of said bill, and it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

G. W. Connor,	H. S. Hale,	O. D. McManama,
William P. Duvall,	Thomas F. Hargis,	Alfred T. Pope,
W. McKee Fox,	G. A. C. Holt,	W. H. Sneed,
W. W. Frazer,	I. L. Hyatt,	Ben. J. Webb,
John J. Gatewood,	A. L. Martin,	Emery Whitaker—16.
Jesse C. Gilbert,		

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	K. F. Prichard,
James F. Clay	John W. Johnson,	A. G. Talbott—8.
John E. Cooper,	Wm. Johnson,	

Resolved, That the title of said bill be as aforesaid.

The Senate, according to order, took up for consideration a bill, which originated in the House of Representatives, entitled

An act for the benefit of J. J. Wood, late sheriff of Clinton county.

Said bill reads as follows, viz:

Whereas, In the year 1861 the revenue of Clinton county amounted to the sum of $2,448 90. J. J. Wood, then sheriff of said county, was prevented from collecting any of said revenue except $1,100. The amount of payments made by him and his securities, Thomas Travis, James H. Wood, Wm. Perkins, and Ballinger Wright, administrator of Ambrose Pierce, deceased, is $3,646 77; whereas, we find, after deducting the aforesaid sum of $1,100, and $9 75 costs, his payments exceed his receipts the sum of $2,537 02; then deduct attorneys' fees of $110 98, leaves a balance in excess of collections by said sheriff of $2,426 04; then deduct the sum of $1,085 89, amount refunded to said Wood and his sureties by act of the General Assembly of the Commonwealth of Kentucky, his payments then exceed his credits by the sum of $1,340 15; therefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said sum of $1,340 15 be, and the same is hereby, refunded to the said J. J. Wood, Thos. Travis, Jas. H. Wood, Wm. Perkins, and Ballinger Wright, administrators of Ambrose Pierce, deceased, said sheriff's securities; and for said sum the Auditor of Public Accounts will draw his warrant on the Treasury, payable to the said J. J. Wood, Thomas Travis, J. H. Wood, William Perkins, and Ballinger Wright, administrator as aforesaid, to be paid out of any money in the Treasury not otherwise appropriated, of which said sum, $382 95 shall be paid to the said Ballinger Wright, as administrator aforesaid, it being the full amount paid by said decedent's estate, by reason of said decedent's suretyship; the said Thomas Travis and James H. Wood shall receive of said sum

hereby appropriated the full amount, less interest, paid by each of them on said revenue bond, subject to a credit of any amount or amounts received by them, or either of them; and the said Wm. Perkins shall receive of said fund hereby appropriated the full amount, less interest paid out by him on said revenue bond, after giving a credit for what he sold the land for he bought at sheriff's sale, as the property of the said J. J. Wood, and all and every other sum or amounts received by him from the said J. J. Wood, or any other person or persons for him.

§ 2. This act shall take effect from and after its passage.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
R. A. Burton,	John J. Gatewood,	O. D. McManama,
James F. Clay,	Jesse C. Gilbert,	Alfred T. Pope,
Harrison Cockrill,	D. R. Haggard	K. F. Prichard,
G. W. Connor,	H. S. Hale,	W. H. Sneed,
John E. Cooper,	Thomas F. Hargis.	A. G. Talbott,
F. W. Darby,	I. L. Hyatt,	Ben. J. Webb,
William P. Duvall,	John W. Johnson,	Emery Whitaker—26.
W. McKee Fox,	William Johnson,	

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to add Graves county to the common pleas district in the 1st judicial district, and to provide for chancery terms of said common pleas court in said county.

The question was taken on reconsidering the vote by which the Senate had passed said bill, and it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the negative.

So said bill was disagreed to.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had passed a bill, which originated in the House of Representatives, entitled

An act to regulate the jurisdiction of the circuit court and court of common pleas of Union and Henderson counties.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the negative.

So said bill was disagreed to.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act for the benefit of Mary A. Carter, a minor, in Lyon county.

The question was taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, and it was decided in the negative.

So said bill was disagreed to.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had passed a bill, which originated in the House of Representatives, entitled

An act to incorporate the Mount Sterling and Carter County Mining and Manufacturing Company.

And the question being taken on reconsidering said vote, it was decided in the negative.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act to regulate official sales of real and personal property, and of settlements of estates in the counties of Pendleton, Lewis, Bracken, and Hickman.

And the question being taken on reconsidering said vote, it was decided in the negative.

The Senate took up for consideration a bill, entitled

A bill to authorize any county in this State that has heretofore voted subscriptions to any railroad company to transfer the same to any other railroad company.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the negative.

So said bill was rejected.

Mr. Connor, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz.:

An act to prohibit the sale of spirituous, vinous, or malt liquors in Lincoln county, and to take a vote on the same;

An act for the benefit of A. Portwood, sheriff of Anderson county;

An act for the benefit of Joseph T. Ratliffe, sheriff of Pike county, for the year 1871;

An act to charter the Dozier Mountain Coal Company;

An act to incorporate the Mt. Olive Encampment, No. 55, Independent Order of Odd Fellows, at Greenville;

An act to incorporate a Steam Ferry Company at the head of Island No. 1, on the Mississippi river, in Ballard county;

An act to amend the charter of the Newport and Dayton Street Railway Company;

An act to impose an additional tax on dogs in Bracken county;

An act for the protection of property on Tennessee river;

An act to amend an act, entitled "An act to establish and maintain a system of public schools in the town of Corydon, in Henderson county;"

An act to resubmit an act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof, approved February 28th, 1872;

An act to prohibit the sale of spirituous or vinous liquors in Nicholas county;

An act to amend an act, entitled "An act to incorporate the Paducah, Blandville, and Columbus Gravel Road Company;"

An act to authorize the county court of Harrison county to appropriate money towards building a bridge on the Cynthiana and Ashbrook's Mills Turnpike Road;

An act to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth," approved March 22d, 1873;

An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Madisonville," approved February 13th, 1873;

An act to incorporate Asher Lodge, No. 531, of Free and Accepted Masons;

An act to amend an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association;"

An act to establish and incorporate the town of Stroud City, in Muhlenburg county;

An act repealing an act in regard to common schools in Carrollton, in Carroll county;

An act for the benefit of school district No. 3, in Franklin county;

An act to authorize the Garrard county court to appropriate money to aid in building a hospital for small-pox patients, and to levy a tax therefor;

And enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of H. C. Parish, of Barren county;

An act to amend an act approved March 28th, 1872, authorizing sheriffs to sell real estate to pay revenue taxes;

An act for the benefit of the stockholders of the Evansville, Henderson, and Nashville Railroad;

An act to amend the charter of the city of Louisville;

An act to authorize the election of police judge and town marshal in the town of Brownsville, in Edmonson county;

An act to repeal an act, entitled "An act to authorize the trustees of school district No. 2, in Hickman county, to levy and collect a tax for school purposes;"

An act for the benefit of C. M. Hanks and Samuel Spradlin, of Wolfe county;

An act to amend the charter of the city of Maysville;

An act to incorporate the Dry Ridge, Knoxville, and Demossville Turnpike Road Company;

An act for the benefit of the Baptist Church of Bedford, in Trimble county;

An act to charter the public schools of Falmouth and district No. 1, in Pendleton county;

An act to amend an act incorporating the Williamstown Odd Fellows' Hall Company;

An act to incorporate the Nicholasville Building and Accumulating Fund Association;

An act to incorporate the Henderson Building and Loan Association;

An act to incorporate the Central Club;

An act to incorporate the Lockport Odd Fellows' and Masonic Building Company;

An act to incorporate the town of Norton, in Hopkins county;

An act to prohibit the retail of spirituous, vinous, or malt liquors in the towns of Hudsonville, Constantine, and Cross Roads, in Breckinridge county, or any part of said county, within six miles of either of said towns;

An act to extend the time of signing the bill of exceptions in the case of Carlisle Hunt's heirs vs. Elisha Long and Elizabeth Gray, in Greenup circuit court;

An act to incorporate the Transylvania Street Railroad Company;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Connor reported that the committee had performed that duty.

The disagreement between the two Houses relative to the chapter adopting the General Statutes was settled by reference to conference committee, which was the conclusion of the Revision of the Statutes, all matters of difference between the two Houses having been promptly settled and agreed upon.

And then the Senate adjourned.

MONDAY, APRIL 21, 1873.

Hon. John G. Carlisle, Speaker, presiding.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, of the following title, viz:

An act to amend the charter of Russellville.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to exempt the counties of Estill and Lee from the provisions of section 14, chapter 67, of the Civil Code of Practice.

An act for the benefit of common schools in Perry county.

An act to amend an act, entitled "An act to amend the charter of the Clarksville and Princeton Railroad Company," approved March 25th, 1872.

An act for the benefit of the school trustees of Powell county for the school year ending June 30th, 1872.

An act to incorporate Confederate City, in Rowan county.

An act to prohibit the sale of spirituous, vinous, or malt liquors, or the mixture of either, in Jeffersontown precinct, in Jefferson county.

An act to change and fix the time of holding the Estill county quarterly courts.

An act for the benefit of Wells, Mitchell & Co.

An act to authorize sureties for costs to obtain a release from further liability.

An act to incorporate the Danville Gas-light Company.

An act for the benefit of Thomas P. Cardwell and Wm. Spencer, of Breathitt county.

An act to protect graveyards and cemeteries.

An act to amend an act, entitled "An act to amend section four of article two of chapter eighty-three, of the Revised Statutes, regulating tax on theatrical performances," approved January 14th, 1871.

With an amendment to the last named bill.

Which was taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act to further amend an act, entitled "An act for the benefit of the estate of Thomas H. Crawford, deceased," approved January 13th, 1872.

2. An act to appropriate money.

3. An act for the benefit of the Bank of Louisville.

4. An act to pay Clinton county for keeping Louisa Eldridge, a pauper lunatic.

5. An act for the benefit of J. N. Culton, late sheriff of Jackson county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 2d and 4th were placed in the orders of the day, and all the rest were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of John J. Macklin, late sheriff of Kenton county.

And the question being taken on reconsidering said vote, it was decided in the affirmative.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

Resolved, That the title of said bill be as aforesaid.

Mr. Martin read and laid on the table the following resolutions, viz:

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the Public Printer is hereby directed, immediately after the adjournment of this General Assembly, to print in pamphlet form, properly indexed, a sufficient number of the General Laws passed at this session to furnish the Governor and each head of the State Departments, the State Librarian and each Judge of the Court of Appeals, of the circuit courts, common pleas courts, chancery courts, criminal courts, and county courts; and the clerks of said courts, the Attorney General, each Commonwealth's Attorney and county attorneys, sheriffs, and police judges; and each member of the General Assembly, and the Clerks and Assistant Clerks, Sergeant-at-Arms, and Door-keepers, one copy each of said laws; and mail the same, post-paid, to the above named officers and persons, the postage to be paid by the Treasurer, upon the warrant of the Auditor, to be drawn upon the certificate of the Public Printer as to the amount.

2. That this resolution shall be in force from its passage.

The rule requiring said resolutions to lie one day on the table being dispensed with, said resolutions were then taken up, twice read, and adopted.

Mr. Holt read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Printer print five thousand copies of a synopsis of the acts of the present General Assembly, and that he forward the same by mail to the members of the Senate and House of Representatives.

The rule requiring said resolution to lie one day on the table being dispensed with, said resolution was then taken up, twice read, and adopted.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of Mrs. Margaret Decker.

By Mr. Webb, from the Committee on Agriculture and Manufactures—

An act to incorporate the North Kentucky Bridge Connecting Railway and Construction Company.

By Mr. Barlow, from the Committee on Claims—

An act for the benefit of R. B. Lovel, late sheriff of Lewis county.

By Mr. Talbott, from the Committee on Railroads—

An act to incorporate the Transit Railway Company.

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Gilbert, from the Committee on Courts of Justice, to whom had been referred bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the magistrates of Hardin county;

An act to establish an additional justices' district in Shelby county;

An act to incorporate the town of Cherry Hill, in Trigg county;

Reported the same, with the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Mr. Gilbert, from the Committee on Courts of Justice, to whom had been recommitted a bill, entitled

A bill to fix the compensation of the county judges of this Commonwealth,

Reported the same with an amendment.

Which was adopted.

The question was then taken on ordering said bill to be engrossed and read a third time, and it was decided in the negative.

So said bill was rejected.

Mr. Prichard, from the Committee on the Judiciary, reported a bill, entitled

A bill to amend an act, entitled "An act to amend the charter of the Jefferson and Brownsboro Turnpike Road Company."

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message in writing was received from the Governor by Mr. Craddock, Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, April 21, 1873.

Gentlemen of the Senate:

I nominate for your advice the following named persons as suitable to be commissioned notaries public, viz:

Richard T. Colston, Jefferson county.
Jonathan J. Calloway, Jefferson county.
E. E. McCoy, Nelson county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

Mr. Talbott, from the Committee on Charitable Institutions, reported a bill, entitled

A bill for the benefit of the Fourth Kentucky Lunatic Asylum.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the sum of fifteen thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the use and benefit of the Fourth Kentucky Lunatic Asylum, to be applied by the Commissioners of said Asylum in procuring and erecting a suitable apparatus for heating said Asylum building, and preparing the rooms therein for the reception of the inmates.

§ 2. The inmates of said Asylum shall receive the same annual allowance as is made to the lunatics in the First and Second Lunatic Asylums.

§ 3. This act shall take effect from its passage.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	John W. Johnson,
R. A. Burton,	John J. Gatewood,	O. D. McManama,
James B. Casey,	Jesse C. Gilbert,	W. H. Sneed,
Harrison Cockrill,	D. R. Haggard	A. G. Talbott,
John E. Cooper,	H. S. Hale,	Ben. J. Webb,
F. W. Darby,	Thomas F. Hargis.	Emery Whitaker,
J. H. Dorman,	I. L. Hyatt,	Thos. Wrightson—22.
W. McKee Fox,		

In the negative, Wm. Johnson—1.

Resolved, That the title of said bill be as aforesaid.

Mr. J. W. Johnson, from the Committee on Religion and Morals, reported a bill, entitled

A bill to regulate the sale of spirituous, vinous, and malt liquors in the town of Benton, in Marshall county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Talbott, from the Committee on Railroads, reported a bill, entitled

A bill to repeal an act, entitled "An act to legalize the proceedings of the president and directors of the Danville and Hustonville Turnpike Road Company."

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled "An act to legalize the proceedings of the president and directors of the Danville and Hustonville Turn-

pike Road Company," approved April 16th, 1873, be, and the same is hereby, repealed.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hargis and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
R. A. Burton,	John J. Gatewood,	O. D. McManama,
James B. Casey,	Jesse C. Gilbert,	K. F. Prichard,
James F. Clay	D. R. Haggard,	A. G. Talbott,
John E. Cooper,	H. S. Hale,	Ben. J. Webb,
F. W. Darby,	John W. Johnson,	Emery Whitaker,
W. McKee Fox,	Wm. Johnson,	Thos. Wrightson—21.

Those who voted in the negative, were—

Thomas F. Hargis, I. L. Hyatt—2.

Resolved, That the title of said bill be as aforesaid.

On motion of Mr. Talbott, a committee of three was appointed by the Senate, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to withdraw, unsigned, from the hands of the Governor, a bill, which originated in the House of Representatives, entitled

An act to repeal an act, entitled "An act to amend the charter of the Danville and Hustonville Turnpike Road Company," approved February 24th, 1870.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to appropriate money.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the following sums of money are hereby appropriated to the following named persons, to be paid by the Treasurer, out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor, viz:

§ 2. To the Speakers of the Senate and House of Representatives, each, ten dollars per day during the present adjourned session.

§ 3. To the principal Clerks of the Senate and House of Representatives, each, ten dollars per day during the present adjourned session, and the same for such time as may be necessary, not exceeding ten days after the adjournment, for preparing the acts for publication.

§ 4. To the First Assistant Clerks of the Senate and House of Representatives, ten dollars, each, per day, during the present adjourned session.

§ 5. To such members of the Senate and House of Representatives as have acted as Speakers *pro tem.*, each, five dollars per day, in addition to their per diem pay as members, for the time they have acted as such Speakers *pro tem.*, respectively; the time to be certified to the Auditor by the respective Chief Clerks of the Senate and House of Representatives.

§ 6. To R. G. Burton and William T. Marshall, Clerks of the Committee on Enrollments, eight dollars, each, per day, during the present adjourned session.

§ 7. To William H. Miller, Second Assistant Clerk of the House of Representatives, eight dollars per day from the 15th day of January, 1873, to the 16th day of April, 1873, inclusive.

§ 8. To the Sergeant-at-Arms of the Senate and House of Representatives, each, eight dollars per day during the present adjourned session.

§ 9. To the Door-keepers of the Senate and House of Representatives, each, eight dollars per day during the present adjourned session.

§ 10. To Isaac Wingate, jr., ten dollars per day, for his services as Clerk of the Joint Committee on the Revision of the Statues, the number of days to be certified to the Auditor by the chairman of said committee.

§ 11. To D. D. Sublett, two dollars per day during the present session (in addition to his regular per diem pay as Sergeant-at-Arms of the Senate), for his extra services performed in waiting on the Committee on the Revision of the Statutes.

§ 12. To the Ministers of the Gospel of Frankfort who have opened the Senate and House of Representatives with prayer during the present adjourned session, three hundred dollars, to be drawn and distributed among them by R. A. Thomson, Sergeant-at-Arms of the House of Representatives.

§ 13. To D. D. Sublett, for the benefit of J. W. Conley, three dollars per day; and for the benefit of Lewis Harris, three dollars per day, during the present adjourned session, for their services as porters of the Senate.

§ 14. To R. A. Thomson, for the benefit of John Walsh, three dollars per day; for the benefit of Alexander Burns, three dollars per day; and for the benefit of Robert Duvall, three dollars per day, each, during the present adjourned session; and to Lewis Halleck, twenty-five dollars for preserving and supplying to members of the General Assembly copies of bills and documents printed by its order.

§ 15. To the Pages of the Senate and House of Representatives, three dollars per day, each, during the time they have respectively acted during the present adjourned session.

§ 16. To G. B. Crittenden, for the benefit of Robert Loomis, three dollars per day during the present adjourned session, for waiting on the "back capitol," and three dollars per day for the benefit of John Henry Morton, during the present adjourned session, for his services in sawing and wheeling wood.

§ 17. To Reading & Dehoney, ninety dollars and fifteen cents, for articles furnished General Assembly.

§ 18. To S. C. Bull, nineteen dollars and forty cents, for articles furnished House of Representatives.

§ 19. To Gray & Rodman, twenty-eight dollars and ninety-five cents, for articles furnished Senate.

§ 20. To Rodman & Bro., fifty-two dollars and fifty cents, for articles furnished the General Assembly.

§ 21. To John L. Sneed, twenty-five dollars, James M. Lobban, twenty-five dollars, and R. A. Thomson, twenty-five dollars, and Lewis Harris, five dollars, for their services on the Electoral College, 1872.

§ 22. To Philip Selbert, ten dollars, for repairing clock Senate and House of Representatives.

§ 23. To G. W. Miller, twelve dollars and eighty-five cents, for articles furnished General Assembly.

§ 24. To L. Tobin, twenty-seven dollars and fifteen cents, for articles furnished House of Representatives.

§ 25. To L. B. Marshall, twenty-three dollars and five cents, for articles furnished General Assembly.

§ 26. To L. Hermann, four dollars and eighty-five cents, for articles furnished House of Representatives.

§ 27. To J. W. South, twenty-nine dollars and twenty-five cents, for articles furnished General Assembly.

§ 28. To A. B. Reed, one hundred and fifty dollars, for articles furnished and carpenter work done for the Senate and House of Representatives during the present adjourned session.

§ 29. To William R. Watson, Assistant Librarian, three dollars per day during the present adjourned session, for extra services in the Library.

§ 30. To Wm. H. Stanley, seven hundred and ninety-one dollars and twenty cents, for papers furnished the Senate and House of Representatives during the present adjourned session.

§ 31. To the Louisville Courier-Journal Printing Company, four hundred and eighty-seven dollars and thirty-four cents, for papers furnished Senate and House of Representatives during the present session.

§ 32. To the Louisville Ledger Printing Company, two hundred and seventy-two dollars, for Ledgers furnished General Assembly during the present session.

§ 33. To Major & Johnston, five hundred and fifty dollars, for Daily Yeoman furnished General Assembly during the present session.

§ 34. To publishers Carlisle Mercury, four dollars, for four copies of Mercury furnished General Assembly present adjourned session; and four dollars for copies of said paper to General Assembly last session.

§ 35. To publishers Maysville Bulletin, four dollars and fifty cents, for papers furnished General Assembly present adjourned session.

§ 36. To Nancy Morton, seven dollars, for washing towels for House of Representatives during present adjourned session.

§ 37. To Letetia Harris, five dollars, for washing towels for Senate during present adjourned session.

§ 38. To A. G. Talbott, sixteen dollars, for expenses to visiting Blind Asylum and committee.

§ 39. To John L. Moore, three dollars, for carpet furnished Senate.

§ 40. To publishers Paducah Tobacco Plant, ten dollars, for papers furnished General Assembly present session.

§ 41. To publisher Mayfield Democrat, eight dollars, for papers furnished General Assembly.

§ 42. To the publishers Hickman Courier, eight dollars, for papers furnished General Assembly.

§ 43. To the publishers Columbus Dispatch, eight dollars, for papers furnished General Assembly.

§ 44. To the publishers Paducah Kentuckian, twelve dollars, for papers furnished General Assembly.

§ 45. To John Griffin, sixteen dollars, for repairs done to gas-pipes for Senate Chamber and House of Representatives.

§ 46. To Sanford Goin, eighty dollars, for ice furnished Senate and House of Representatives during present session.

§ 47. To publishers Owensboro Monitor, ten dollars, for papers furnished Senate and House of Representatives.

§ 48. To publishers Owensboro Shield, five dollars, for papers furnished General Assembly.

§ 49. To publishers Bowling Green Democrat, four dollars and fifty cents, for papers furnished during present General Assembly.

§ 50. To publishers Green River Pantagraph, four dollars and fifty cents, for papers furnished General Assembly during present session.

§ 51. To Graham Hughes, three dollars per day during the present adjourned session, for his services as Clerk of Enrollments and assistance to the Clerks of the House of Representatives.

§ 52. To Major & Johnston, three dollars and fifty cents, for printing done for Electoral College, 1872.

§ 53. To the principal Clerks of the Senate and House of Representatives, such sums as they may each certify to the Auditor as paid by them for enrolling bills and resolutions at the present adjourned session.

§ 54. To J. G. Hatchitt, postmaster, seven dollars and fifty cents, for postage during present session.

§ 55. To the publishers Murray Gazette, two dollars, for papers furnished present session.

§ 56. To the publishers of the Big Sandy Herald, ten dollars and fifty cents, for papers furnished General Assembly.

§ 57. This act shall take effect from and after its passage.

Mr. Barlow then proposed the following amendment as an additional section to said bill, viz:

To Samuel M. Sanders, six dollars, for expenses incurred as committeeman, appointed on part of the House of Representatives, to visit the State House of Reform; and to the publishers of the Covington Journal, five dollars, and to the publishers of the Stanford Interior Journal, twenty-five dollars.

Which was adopted.

Mr. Holt then moved to amend section three, line three, by striking out the word "ten," and inserting in lieu thereof the word "fifteen."

Which was adopted.

Mr. Cooper then moved to amend section thirteen of said bill by adding thereto the following, viz:

And to D. D. Sublett, Sergeant-at-Arms, one hundred dollars, for the benefit of J. W. Conley and Lewis Harris, in addition to their regular pay, for their services in waiting on the Joint Committee on the Revision of the Statutes.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Burton and Hale, were as follows, viz:

Those who voted in the affirmative, were—

James B. Casey,	Thomas F. Hargis,	O. D. McManama,
Harrison Cockrill,	G. A. C. Holt,	K. F. Prichard,

John E. Cooper,	I. L. Hyatt,	W. H. Sneed,
W. McKee Fox,	John W. Johnson,	A. G. Talbott,
W. W. Frazer,	Wm. Johnson,	Ben. J. Webb,
John J. Gatewood,	A. L. Martin,	Thos. Wrightson—19.
D. R. Haggard,		

Those who voted in the negative, were—

John S. Barlow,	F. W. Darby,	H. S. Hale,
R. A. Burton,	J. H. Dorman,	Emery Whitaker—8.
James F. Clay,	Jesse C. Gilbert,	

It was then moved to amend section fourteen by striking out all after the word "session," in said section.

Which amendment was adopted.

Mr. Martin moved to amend section twenty-one by striking out "twenty-five dollars," and inserting in lieu thereof "forty dollars;" also by striking out in same section "five," and inserting in lieu thereof "ten."

And the question being taken on the adoption of said amendment, it was decided in the negative.

Mr. Whitaker moved to amend section thirty-two by striking out the words "two hundred and seventy-two," and inserting in lieu thereof the words "three hundred and sixty-seven dollars and fifty cents."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	A. L. Martin,
R. A. Burton,	Jesse C. Gilbert,	O. D. McManama,
James B. Casey,	D. R. Haggard,	K. F. Prichard,
James F. Clay,	Thomas F. Hargis,	W. H. Sneed,
Harrison Cockrill,	G. A. C. Holt,	A. G. Talbott,
F. W. Darby,	I. L. Hyatt,	Ben. J. Webb,
J. H. Dorman,	John W. Johnson,	Emery Whitaker,
W. McKee Fox,	William Johnson,	Thos. Wrightson—25.
W. W. Frazer,		

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

Mr. Gatewood, from the Committee on Education, to whom was referred a bill, which originated in the House of Representatives, entitled

An act to establish in this Commonwealth a uniform system of common schools for the education of children of African descent,

Reported the same with amendments.

Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall be throughout the State of Kentucky a uniform system of common schools for the education of the children of citizens of African descent.

§ 2. The school fund shall be known as the African School Fund, and shall consist of the following provisions, viz:

1. An annual tax of twenty cents on each one hundred dollars in value of the property owned or held by all persons of African descent.

2. A capitation of one dollar on each male citizen of African descent between the ages of twenty-one and sixty years.

3. All taxes levied on dogs owned or kept by any colored person.

4. All licenses, fines, and forfeitures assessed against any colored person by existing laws in aid of the common schools, shall hereafter be paid into the African School Fund.

§ 3. The revenue arising annually from the resources provided by this act shall constitute the sum to be distributed each year by the Superintendent of Public Instruction, as now provided by the common school law.

§ 4. The assessor of each county shall keep a separate column in his book, showing the enlistment of capitation and taxable property of all colored citizens of African descent therein subject to taxation by the provisions of this act.

§ 5. The sheriff of each county shall be allowed five per cent. of the taxes collected and paid into the Treasury by him for the African School Fund.

§ 6. The sheriff shall appropriate the taxes, or any part thereof, collected from any colored citizen, to whatever fund said colored citizen may designate, in all cases where he is not able to pay the entire tax assessed against him for State, county, school, and municipal purposes.

§ 7. The Auditor shall keep a separate account for the African School Fund, which shall constitute a basis for the Superintendent's annual *pro rata* distribution to the colored children of this Commonwealth.

§ 8. The Superintendent shall, on or before the first day of September, 1873, and on the same day of each year thereafter, ascertain and estimate, as near as may be, the revenue that may accrue from all sources during the school year, the *pro rata* share thereof each colored pupil child will be entitled to according to the whole number of colored children between the ages of six and twenty years in the State, and the proportion thereof each county and each district will be entitled to according to the whole number of such children residing in each county and district respectively, as shown by the returns of the county commissioner.

§ 9. The county commissioner shall be responsible on his official bond for the proper distribution of whatever portion of the African School Fund may come into his possession, and may receive such additional compensation for his services under this act as the court of claims may allow.

§ 10. The commissioner may lay off the county into suitable districts, most convenient to the greatest number of colored children in each county, so that no district shall contain more than one hundred nor less than twenty colored children of pupil age.

§ 11. In counties where there are not a sufficient number of colored children to form various schools, a single school may be organized and taught in the locality in which the greatest number of colored children reside, and all the colored children in the county shall have the privilege of attending said school.

§ 12. Three colored trustees may be elected by the qualified colored voters in each district, where said voters are competent to hold and conduct an election according to the common school law; but in all cases where said voters are not qualified, the commissioner shall appoint three colored trustees.

§ 13. The trustees shall have the power to provide a suitable school-house, employ a teacher, cause a school to be taught in their respective districts for the benefit of the colored children therein, and shall notify their parents that it is their privilege to send their children to said school free of charge. They shall also report to the commissioner the length of time said school was taught by a qualified teacher, not less than three months in each year, except where there are not more than twenty colored children in a district, then the school may be taught for a less time than three months, with the consent of the commissioner.

§ 14. The county commissioner shall employ a suitable person to take the census of each district at the proper time, and pay said person a reasonable compensation out of the funds that may be appropriated to said district, if the trustees are not competent; he shall also report to the Superintendent the census of each district, and the African schools taught in his county that are entitled to the *pro rata* amount due each district reported to him.

§ 15. No person shall be deemed qualified to teach an African common school unless such person shall first have obtained a certificate from the commissioner testifying that he is qualified to teach the simple elements of a plain English education.

§ 16. The teacher of each African common school shall teach six hours each day, keep a register of the school, and within ten days after the close of the session shall report to the commissioner the highest, lowest, and average number of pupils in attendance during the session.

§ 17. The colored teachers may organize a Teachers' County Institute or State Association for themselves.

§ 18. No school-house erected for an African school shall be located nearer than one half mile of a school-house erected for white children, except in cities and towns, where it shall not be nearer than eight hundred feet.

§ 19. The State Board of Education shall prescribe a course of study, and adopt rules for the government of the African common schools.

§ 20. The Superintendent shall make a digest of the school laws which may be applicable under the provisions of this act to the government of African common schools, and distribute the same to the commissioners for the use of the trustees.

§ 21. The provisions of any law on the subject of common schools for the white race in this Commonwealth, so far as the same may be compatible and not inconsistent with the purposes of this act, shall be, and the same are hereby, made applicable to the conduct, management, govern-

ment, and general control of the common schools for the education of the children of African descent.

§ 22. That the annual tax of twenty cents on each one hundred dollars in value of the property owned or held by all persons of African descent, and the capitation tax of one dollar on each male citizen of African descent between the ages of twenty-one and sixty years, as herein provided for in subsections one and two of section two, shall not be levied or collected until the officers appointed by the county judge of each county shall have opened a poll on the last Saturday in June, 1873, in the various precincts in their respective counties, and taken the sense of the voters of African descent of this Commonwealth upon the propriety and expediency of imposing said capitation tax and said tax of twenty cents on each one hundred dollars in value of the property owned or held by all persons of African descent, and the same shall have been voted for by a majority of the voters who vote at said election.

§ 23. That it shall be the duty of the officers conducting said election to propound to each voter the question, "Are you for or against levying a capitation tax of one dollar on each male citizen of African descent between the ages of twenty-one and sixty years, and a tax of twenty cents on each one hundred dollars in value of the property owned by all persons of African descent, to raise a common school fund for their benefit in Kentucky?" and the vote shall be recorded in the affirmative or negative, as the case may be.

§ 24. That it shall be the duty of the sheriff and other officers to make out a correct list of the votes taken under this act, and the county judges and clerks of the several counties shall compare and examine said lists of their respective counties, and certify the result to the Secretary of State within sixty days after the date of said election.

§ 25. If it appears that a majority of the votes cast under the provisions of this act are cast in the affirmative, it shall be the duty of the Secretary of State to report the same as soon as practicable to the Governor, who shall thereupon issue his proclamation declaring the result. And annually thereafter the tax provided for in subsections one and two of section two of this act shall be levied and collected by the officers who collect other taxes in this Commonwealth; and the same shall be used only for the education of persons of African descent.

§ 26. This act shall take effect from its passage.

The amendments proposed by the committee read as follows, viz:

1. Amend subsection four, section two, in eighth line, by adding after the word "all," and before the word "fines," the word "licenses."

2. Amend by striking out sections 22, 23, 24, and 25.

Which were adopted.

Mr. Burton then proposed to amend said bill by adding thereto the following additional section, viz:

§ —. All sums of money that may be hereafter received, annually, by this Commonwealth, by virtue of any act or resolution of Congress providing for the distribution of public lands, or proceeds from the sales thereof, for educational purposes, shall be divided *pro rata* between the white and colored children of this State.

Mr. Whitaker then moved to amend the amendment proposed by Mr. Burton as follows, viz:

Strike out all after the word "shall," in the eighth line, and insert in lieu thereof the following: "be distributed *pro rata* among the white and colored children of the State."

Which was adopted.

The question was then taken on the adoption of the amendment proposed by Mr. Burton, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hargis and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Jesse C. Gilbert,	O. D. McManama,
R. A. Burton,	D. R. Haggard,	K. F. Prichard,
James B. Casey,	H. S. Hale,	W. H. Sneed,
James F. Clay,	I. L. Hyatt,	A. G. Talbott,
J. H. Dorman,	John W. Johnson,	Emery Whitaker,
W. W. Frazer,	Wm. Johnson,	Thos. Wrightson—19.
John J. Gatewood,		

Those who voted in the negative, were—

Harrison Cockrill,	F. W. Darby,	A. L. Martin,
John E. Cooper,	Thomas F. Hargis,	Ben. J. Webb—6.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	K. F. Prichard,
R. A. Burton,	Jesse C. Gilbert,	W. H. Sneed,
James B. Casey,	D. R. Haggard,	A. G. Talbott,
James F. Clay,	H. S. Hale,	Ben. J. Webb,
J. H. Dorman,	John W. Johnson,	Emery Whitaker,
W. McKee Fox,	William Johnson,	Thos. Wrightson—20.
W. W. Frazer,	O. D. McManama,	

Those who voted in the negative, were—

Harrison Cockrill,	F. W. Darby,	I. L. Hyatt,
John E. Cooper,	Thomas F. Hargis,	A. L. Martin—6.

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to incorporate Mayfield Lodge, No. 151, I. O. O. F.

An act to authorize the clerk of the Allen circuit court to make a cross-index to suits and causes on file in said office.

An act to incorporate the Elizabethtown Building and Loan Association.

An act to incorporate the Frankfort True Friend Society.

An act for the benefit of J. T. Quarles.

An act to provide for the transfer of certain causes from the Graves circuit court to the McCracken court of common pleas.

An act to amend an act, entitled "An act to amend the charter of the Elizabethtown and Paducah Railroad Company," approved February 28th, 1873.

An act for the benefit of school district No. 21, in Carroll county.

An act to amend an act, entitled "An act for the benefit of common school district No. 1, in Allen county."

An act for the benefit of Trimble county in voting subscription of stock to railroads.

An act extending further time to the county of Boyle in which to provide fire-proof vaults for county records.

An act to incorporate the Lambert Mining Company.

An act to repeal an act, entitled "An act authorizing E. H. Smith and others to close an alley in Williamstown, Grant county."

An act to amend an act, entitled "An act to amend the charter of the Jefferson and Brownsboro Turnpike Road Company."

An act to pay the expenses of D. R. Haggard, State agent, sent to Missouri after Cutter and Taylor, charged with forgery.

An act for the benefit of the Louisville Board of Trade.

And adopted resolutions, which originated in the Senate, of the following titles, viz:

Resolution to print synopsis of the General Acts.

Resolution to print and distribute pamphlet edition of Public Acts.

With an amendment to the last named resolution.

That they had passed bills of the following titles, viz:

An act for the education of colored children in Garrard county.

An act to legalize the actions of the Greenup county court of levy and claims.

An act for the benefit of school district No. 38, in Henry county.

An act to amend act, entitled "An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district," approved April —, 1873.

An act to amend section 101 of the Civil Code of Practice.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last named bill was placed in the orders of the day, and all the rest were ordered to be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was also received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act authorizing the county court of claims of Fleming county to carry into effect the bequest of J. J. Andrews, deceased, to the poor of Fleming county.

An act to amend the charter of the South Kentucky Railroad Company.

That they had passed a bill, entitled

An act for the benefit of H. B. Wiseman, former sheriff of Estill county.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

[*For bill—see Acts present session.*]

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	A. L. Martin,
R. A. Burton,	William P. Duvall,	O. D. McManama,
James F. Clay,	W. McKee Fox,	Alfred T. Pope,
Harrison Cockrill,	D. R. Haggard,	W. H. Sneed,
G. W. Connor,	Thomas F. Hargis,	A. G. Talbott,
John E. Cooper,	I. L. Hyatt,	Ben. J. Webb—20.
F. W. Darby,	Wm. Johnson,	

In the negative, Edwin Hawes—1.

Resolved, That the title of said bill be as aforesaid.

A message was received from the Governor by Mr. Craddock, Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act for the benefit of Wm. H. Miller and others, sureties of Q. C. Shanks, late sheriff of Ohio county," approved February 3d, 1870.

An act to amend an act, entitled "An act to incorporate the Princeton, Marion, and Ohio River Railroad Company," approved March 28th, 1872.

An act to extend the time of signing the bill of exceptions in the case of Carlisle Hunt's heirs vs. Elisha Long and Elizabeth Gray, in Greenup circuit court.

An act to incorporate the Nicholasville Building and Accumulating Fund Association.

An act to repeal an act, entitled "An act to authorize the trustees of school district No. 2, in Hickman county, to levy and collect a tax for school purposes."

An act to incorporate the Central Club.

An act to prohibit the retail of spirituous, vinous, or malt liquors in the towns of Hudsonville, Constantine, and Cross Roads, in Breckinridge county, or any part of said county, within six miles of either of said towns.

An act to incorporate the Lockport Odd Fellows' and Masonic Building Company.

An act to amend the charter of the city of Louisville.

An act for the benefit of the Baptist Church of Bedford, in Trimble county.

An act to amend an act incorporating the Williamstown Odd Fellows' Hall Company.

An act for the benefit of H. C. Parish, of Barren county.

An act to amend an act approved March 28th, 1872, authorizing sheriffs to sell real estate to pay revenue taxes.

An act to authorize the election of police judge and town marshal in the town of Brownsville, in Edmonson county.

An act for the benefit of C. M. Hanks and Samuel Spradlin, of Wolfe county.

An act to amend the charter of the city of Maysville.

An act to incorporate the town of Norton, in Hopkins county.

An act to incorporate the Transylvania Street Railroad Company.

An act to incorporate the Harlan County Mining and Railroad Company.

An act for the benefit of the stockholders of the Evansville, Henderson, and Nashville Railroad Company.

An act amending an act approved February 6th, 1873, entitled "An act partitioning the Fairfield and Samuels' Depot Turnpike Road, and out of the same incorporating the Fairfield and Cox's Creek Turnpike Road Company, and the Samuels' Depot and Cox's Creek Turnpike Road Company."

An act for the benefit of common school district No. 1, Lawrence county.

An act to repeal the fourth section of an act, entitled "An act to incorporate the Lee County Lumbering, Mining, and Manufacturing Company."

An act to amend chapter 102, entitled "Treasury Warrant Claims," of the Revised Statutes.

An act to amend the charter of the Eminence and Fox Run Turnpike Road Company.

An act to amend the charter of the Louisville and Cane Run Road Company.

An act for the benefit of Simon Humphrey, late sheriff of Nelson county.

An act for the benefit of Perry Jefferson, sheriff of Mason county.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to incorporate the Southwest Kentucky Immigration and Real Estate Company;

An act to charter the Ohio River, Owenton, and Lexington Railway Company;

An act to amend the charter and laws of the town of Bellevue, in Campbell county;

An act for the benefit of the school trustees of Powell county for the school year ending June 30th, 1872;

An act concerning the various charitable institutions in this Commonwealth;

An act to amend the charter of the Eminence and Fox Run Turnpike Road Company;

An act for the benefit of George W. Sewall, common school commissioner of Breathitt county;

An act to incorporate the Rockcastle Railway Company;

An act for the benefit of William Paull, Wm. Dayton, and Milton Humble, of Robertson county;

An act authorizing druggists to sell spirituous liquors by retail in the town of West Liberty;

An act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road;

An act to incorporate the Mountain Railroad, Mining, and Manufacturing Company;

An act for the benefit of the Tuckahoe Ridge Turnpike Road Company, in Mason county;

An act for the benefit of Thomas P. Cardwell and Wm. Spencer, of Breathitt county;

An act to incorporate the Mayslick and Mill Creek Turnpike Road Company, in Mason county;

An act to incorporate the Calhoon and Rockport Packet Company;

An act for the benefit of school district No. 27, in Ballard county;

An act for the benefit of Alexander Cook and Sarah Cook, of Trimble county;

An act for the benefit of Wm. T. Moore;

An act to incorporate the Falmouth Turnpike Road Company, in Pendleton county;

An act to amend an act, entitled "An act to establish a new charter for the city of Louisville," approved March 3d, 1870;

An act to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved the 3d day of March, 1870;

An act to establish an additional justices' district in Bath county;

An act to amend an act, entitled "An act for the benefit of W. E. Duncan, late sheriff of Warren county;"

An act to fix and determine the boundary line between the States of Indiana and Kentucky, above and near Evansville;

An act to adopt the General Statutes;

An act to protect graveyards and cemeteries;

Resolution in relation to the final adjournment of this General Assembly;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act to prohibit the sale of intoxicating liquors in the county of Bullitt, approved March 21st, 1871;

An act to incorporate the Tradewater Navigation and Manufacturing Company;

An act to create and regulate the office of county treasurer for the counties of Perry and Harlan;

An act to incorporate the Owensboro Building and Loan Association;

An act for the benefit of school district No. 47, in Madison county;

An act to establish schools for the education of children of citizens of African descent, in McCracken county;

An act to amend an act, entitled "An act to incorporate the Clayville Male and Female Academy;"

An act in regard to certain streets in the city of Louisville;

An act to amend an act, entitled "An act to cause good schoolhouses to be erected in the Eighth and Ninth Congressional Districts;"

An act to authorize the sheriff and master commissioner of Fayette county to advertise sales of real estate and personal property in said county;

An act to amend the charter of Russellville;

An act for the benefit of W. S. Allen, late sheriff of Breathitt county, and his securities;

An act to legalize a certain survey made in the name of Wm. Day, in Morgan county;

An act to authorize a portion of Jamestown magisterial district, in Campbell county, to purchase the Newport and Dayton Turnpike, and to bridge Taylor's creek;

An act to legalize a certain survey made in the name of D. P. Mosley and J. H. Amyx, in Morgan county;

An act to regulate advertisements of sales of sheriffs and master commissioners in the county of Jessamine;

An act to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company;

An act to incorporate the Lancaster Building and Loan Association;

An act for the benefit of Spencer King, sheriff of Bell county;

An act to repeal an act, entitled "An act for the benefit of common school district No. 31, in Bullitt county," approved March 15th, 1871;

An act for the benefit of common school district No 4, in Bracken county;

An act to declare the lower Long Branch of Grassy creek, in Morgan county, a navigable stream, from its mouth to opposite the school-house on the lands of Jackson Goodpasture;

An act to declare the State Road Fork of Licking river, in Magoffin county, a navigable stream, from its mouth to John Q. O'Baley's mill;

An act defining the boundary line between the counties of Clay and Bell;

An act for the benefit of school district No. 17, in Garrard county;

An act to amend the charter of the Bryantsville and Cane Run Turnpike Road Company;

An act declaring all that part of Caney Fork of Wolf creek, in Russell county, a navigable stream, that lies between Dick's Branch and Wolf creek;

An act fixing the time for the jailers of Cumberland and Clinton counties to enter upon the duties of their offices;

An act for the benefit of Nelson Durham, sheriff of Bell county;

An act to incorporate the Spinoza Society, of Fayette county;

An act to declare Swinge Cat Fork of Big creek, in Pike county a navigable stream for a distance of four miles from its mouth;

An act to amend an act, entitled "An act to incorporate the Eminence and Mulberry Turnpike Road Company;"

An act for the benefit of James A. Allen, jailer of Bourbon county;

An act to repeal an act to amend the charter of the Winchester and Red River Turnpike Road Company, approved March 20th, 1872;

An act to amend an act to incorporate the Commonwealth Printing Company;

An act for the benefit of T. J. Phillips, jailer of Hardin county;

An act in relation to inquests of lunacy in Jefferson county;

An act for the benefit of the Hodgenville and Elizabethtown Turnpike Road Company;

An act for the benefit of Andrew J. McCampbell, late sheriff of Jessamine county;

An act to amend an act to incorporate the Massie's Mill Turnpike Road Company, approved March 7th, 1868;

An act for the benefit of Gobrias Terry, Ben. T. Perkins, sr., and S. H. Perkins;

An act to amend an act to authorize the voters of the town of Clinton to vote upon the proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of same;

An act to allow the erection of a public warehouse in Carroll county;

An act to incorporate the Cumberland Valley Mining Company;

And had found the same truly enrolled.

Said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

Mr. McManama, from the Joint Committee on the Revision of the Statutes, reported a bill, entitled

A bill to adopt the General Statutes.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

ARTICLE I.

Of the General Statutes and their effect.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That this and the following chapters, from chapter 1 to chapter —, inclusive, shall constitute and be known as the General Statutes of the Commonwealth of Kentucky, and shall be designated and cited by the words "The General Statutes," adding the number of the chapter and section when necessary, and as such are adopted, and shall become the law of the land, to take effect on the first day of December, 1873, except such parts thereof as to which a different provision is expressly made therein.

§ 2. That all statutes of a general nature in force when the General Statutes take effect, and which are repugnant thereto, are hereby repealed, except as follows, viz:

1. All statutes of Virginia or of this Commonwealth in relation to former appropriation of the vacant lands of this Commonwealth.

2. All statutes of a merely local relation to any county, city, or town, or relating to the powers, privileges, and franchises of any corporation; all statutes in relation to the Institution for the Education of the Blind, at Louisville, the American Printing House for the Blind, Banks, the Internal Improvement System, Insurance, and the Insurance Bureau.

3. All statutes in relation to any court, and the proceedings therein, in the city of Louisville and county of Jefferson, or of any city, town,

or police court, and the officers thereof, and all statutes regulating the terms thereof.

4. The provisions of the Codes of Practice in civil and criminal cases, so far as the same are consistent with the General Statutes.

§ 3. The adoption of the General Statutes and the repeal of existing laws therein provided for shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any right established, accrued, or accruing, before the General Statutes take effect, or any proceeding or act confirmed, or any suit or proceeding in any civil action, before the repeal takes effect; but the proceedings therein shall thereafter conform as far as practicable to the provisions of the General Statutes; but when a punishment, penalty, or forfeiture is mitigated by the provisions of the General Statutes, such provisions may be extended and applied to any sentence or judgment pronounced after said repeal, nor shall such repeal affect any suit or prosecution pending at the time it takes effect for an offense committed or for the recovery of a penalty or forfeiture incurred under any of the provisions of a law repealed, except that the proceedings therein shall, when necessary, conform to the provisions of the General Statutes.

§ 4. When a limitation, or period of time, prescribed in any of the acts repealed for acquiring a right or barring a remedy, or for any other purpose, has begun to run, and the same, or a similar limitation, is prescribed in the General Statutes, the time of limitation shall continue to run, and shall have the like effect as if the whole period had begun and ended under the operations of the General Statutes.

§ 5. The provisions of the General Statutes, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments.

§ 6. The enrolled chapters of the General Statutes shall be deposited, and forever kept, in the office of the Secretary of State, which shall be an authentic record of such laws.

ARTICLE II.

Editing and Publication.

§ 1. Edward I. Bullock, of the county of Hickman, and William Johnson, of the county of Nelson, are hereby appointed Commissioners, who shall edit and superintend the publication of the General Statutes of the Commonwealth of Kentucky, as also an accurate copy of Magna Charta, the Constitution of the United States, the Acts of Congress upon the subject of removal of suits from the State Courts to the Courts of the United States, and upon the subject of naturalization; the act of Virginia concerning the erection of the district of Kentucky into a State, known as "The Compact with Virginia;" the first, the second, and the present Constitution of Kentucky; and all the Public Acts of the present session of the General Assembly. They shall also prepare suitable head notes to the several chapters, and marginal notes to the several sections, with marginal references to previous legislation as revised and compiled in the General Statutes, and a syllabus to the Decisions of the Court of Ap-

peals construing such statutes, and shall also prepare a full and accurate index to the whole, pointing to the several sections therein. The Commissioners shall be allowed ten dollars per day for their services. The compensation of the Commissioners shall be for the time only in which they are actually employed, and upon their certificate the Auditor shall draw his warrant upon the Treasurer. If the Commissioners, or either of them, shall refuse to act, or a vacancy shall occur, the Governor shall appoint another or others in his or their place.

§ 2. Before any paper shall be used in the publication of the book, a sample thereof shall be submitted to the Secretary of State and the Commissioners, and by them approved. The work of binding shall, in point of execution and material, be at least equal to the binding of Stanton's Revised Statutes.

§ 3. As often as any form of the General Statutes shall be put in type, a proof-sheet thereof shall be furnished to the Commissioners, who shall carefully examine and compare the same with the original rolls and acts, and make all necessary corrections therein; and when such comparison and corrections are fully made, and said statutes printed, the Secretary of State and the Commissioners shall certify that the same have been examined and compared with the original rolls and acts, and that the same are true and correct copies thereof, and shall deposit a copy of said General Statutes so printed and certified in the Secretary's office, which shall be conclusive evidence of the verity thereof. Such certificate shall be printed in each copy of the General Statutes, which shall entitle the book to be read in evidence.

§ 4. The Public Printer is directed to print, in one volume, ready for distribution by September the 1st, 1873, four thousand copies of the General Statutes, at the rate of printing now established by law, not, however, to exceed one dollar per volume of one thousand pages, which shall be received by the Secretary of State, and by him held and distributed as follows: To each person or officer entitled to one under the provisions of the chapter on Laws; to the Asylum of the Deaf and Dumb, to each Lunatic Asylum, Asylum for the Blind, the Feeble-minded Institute, the House of Reform, one copy each; the Secretary of the Department of State of the United States, the Executive of each State and Territory within the United States, three copies each; to the Public Library of Louisville, two copies; to the Law School at Louisville, two copies: *Provided*, That in the event the Public Printer or Binder does not agree to print and bind the General Statutes at the prices herein stated, then the Secretary of State is hereby directed to have either the printing or binding, or both, done by the lowest bidder. The Public Binder shall bind, in good law sheep, each volume of the General Statutes, as it comes from the printer, and he shall receive as compensation therefor at the rates now fixed by law, not exceeding, however, the sum of sixty cents per volume.

§ 5. Those copies remaining shall be retained by the Secretary of State to supply such deficiency as may occur, or be distributed as

hereafter directed by law: *Provided, however*, That the Secretary of State is authorized to sell copies of the General Statutes, at not less than cost price, to such persons as may wish to purchase. The money arising from such sale shall be paid quarterly into the Public Treasury.

§ 6. The acts of the present General Assembly, so far as they may be inconsistent with, or repugnant to, any provision of the General Statutes, shall be considered the law of the land.

§ 7. The Librarian shall, if not provided for in the contract, procure and furnish all paper and stationery required for the editing and publishing the General Statutes.

§ 8. No person shall copyright the General Statutes adopted by this chapter unless by consent of the General Assembly.

§ 9. The General Statutes hereby adopted shall not be published in the Session Acts of the present session of the General Assembly.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
R. A. Burton,	John J. Gatewood,	O. D. McManama,
James B. Casey,	Jesse C. Gilbert,	Alfred T. Pope,
James F. Clay,	D. R. Haggard,	K. F. Prichard,
Harrison Cockrill,	H. S. Hale,	W. H. Sneed,
John E. Cooper,	Thomas F. Hargis,	A. G. Talbott,
F. W. Darby,	G. A. C. Holt,	Ben. J. Webb,
J. H. Dorman,	I. L. Hyatt,	Emery Whitaker,
William P. Duvall,	John W. Johnson,	Thos. Wrightson—29.
W. McKee Fox,	William Johnson,	

In the negative, none.

Resolved, That the title of said bill be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act to adopt the General Statutes.

That they had concurred in the 1st, 2d, and 3d amendments proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to appropriate money.

And that they had refused to concur in the 4th and 5th amendments proposed by the Senate to said bill.

The Senate then took up for consideration the disagreement between the two Houses in relation to a bill, which originated in the House of Representatives, entitled

An act to appropriate money.

The question was first taken, "Will the Senate recede from its proposed 4th amendment?" and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	Wm. Johnson,
James F. Clay	Thomas F. Hargis,	Alfred T. Pope—8.
F. W. Darby,	Edwin Hawes,	

Those who voted in the negative, were—

R. A. Burton,	W. McKee Fox,	O. D. McManama,
Harrison Cockrill,	John J. Gatewood,	W. H. Sneed,
John E. Cooper,	D. R. Haggard,	A. G. Talbott,
Wm. P. Duvall,	I. L. Hyatt,	Ben. J. Webb—12.

The question was then taken, "Will the Senate recede from its 5th proposed amendment?" and it was decided in the negative.

After a short time, a message was received from the House of Representatives, announcing that they insisted on their disagreement to the 4th and 5th amendments proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to appropriate money;

And asking that a committee of conference be appointed to take into consideration the disagreement between the two Houses in relation to said proposed amendments to said bill.

Whereupon the Speaker appointed Messrs. Burton and Gatewood as a committee on the part of the Senate in relation to said disagreement between the two Houses.

After a short time, Mr. Burton, from the joint committee of conference, appointed to take into consideration the disagreement between the two Houses in relation to the 4th and 5th amendments proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to appropriate money,

Made the following report, viz:

The joint committee of conference recommend the adoption of the following resolution in relation to the general appropriation bill, viz:

Resolved, That the Senate amendment to section 13 be adopted by inserting fifty dollars instead of one hundred dollars, and amend-

ment to section 14 be adopted by inserting twelve dollars and fifty cents instead of twenty-five dollars.

J. S. CHRISMAN, *Ch'n.*
R. A. BURTON, *Ch'n.*

The question was then taken on the adoption of said report, and it was decided in the affirmative.

A message in writing was received from the Governor by Mr. Craddock, Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, April 22, 1873.

Gentlemen of the Senate and House of Representatives:

I herewith, at the request of the Governor of the Commonwealth of Virginia, lay before you a communication from him, transmitting a copy of joint resolutions adopted by the General Assembly of Virginia, expressing their concurrence in the Governor's recommendation of the assumption of the debts of the several States by the Federal Government, together with the message of the Governor making such recommendation, to which your attention is respectfully invited.

P. H. LESLIE.

COMMONWEALTH OF VIRGINIA, EXECUTIVE CHAMBERS,
RICHMOND, April 7th, 1873.

SIR: I have the honor to transmit herewith a copy of the joint resolutions adopted by the General Assembly of Virginia on the 26th day of March, 1873, together with a copy of the message referred to, with the request that you communicate the same to the Legislature of your State, whose concurrence in said resolutions is respectfully solicited in compliance therewith.

I have the honor to be your Excellency's obedient servant,

G. C. WALKER,
Governor of Virginia.

His Excellency PRESTON H. LESLIE, Governor of Kentucky.

JOINT RESOLUTIONS expressing the concurrence of the General Assembly of Virginia in the Governor's recommendation of the assumption of the debts of the several States by the Federal Government. (Agreed to March 26, 1873.)

WHEREAS, The Governor of Virginia has transmitted to the General Assembly his special message, recommending the assumption and pay-pay of the existing debts of all the States by the United States Government; therefore,

1. *Resolved by the General Assembly of Virginia*, That it concurs in the said recommendation of the Governor as wise, just, and expedient.

2. *Resolved*, That the Governor be requested to transmit copies of these resolutions, together with the message, to the General Assembly of each of the States, and request their concurrence therein, and that our Sena-

tors and Representatives in Congress be requested to give this matter their earnest attention.

A copy:

J. BELL BIGGER,
C. H. D. & K. of R. of Va.

EXECUTIVE CHAMBERS, RICHMOND, February 17, 1873.

Gentlemen of the Senate and House of Delegates:

The unsettled condition of our own State finances and the want of certain statistical information deterred me from laying before you, in my last annual message, some suggestions upon a subject of the highest importance to the whole country, and especially to the people of Virginia. And while the causes for that delay have not been entirely removed, yet the magnitude of the questions involved, and the growing necessity for their early solution, render a longer postponement of their consideration both unwise and impolitic.

The present condition of the country and of public sentiment justifies the opinion that the opportune moment has arrived when the real merits of the subject to which I refer may be candidly and impartially discussed, and wise and patriotic conclusions reached.

This subject embodies two propositions, distinct in character, but harmonious in the results sought to be obtained. They are, *first*, the assumption and payment by the United States Government of all the present legal indebtedness of the several States; and *second*, to prevent the recurrence of a necessity for similar action hereafter, the solemn agreement by and between the States to abstain from contracting any debts in the future except such as may be found necessary to the legitimate and effective execution of their governmental functions, or as may be required by sudden and great emergencies.

The former of these propositions must be accomplished by an act of Congress, while the latter can be achieved only through an amendment to the Federal Constitution, which will require the concurrence of three fourths of all the States. I am aware that grave objections may be urged to both of these propositions; but the immense advantages which would accrue from their adoption appear to me to far outweigh them in importance. They may be opposed because of the great inequality in the amount of the debts of the several States, and the consequent unequal distribution of benefits and burthens which might flow from their adoption. But this difference is more apparent than real, especially if the present market value of State securities be taken as the basis of computation. And further, while some of the States owe large debts and others comparatively little or nothing, yet, when the amount which each State contributes to the Federal revenues, and the great impetus which relief from a large proportion of State taxation would give to commerce, manufactures, and production of all kinds, and everywhere throughout the country, are taken into consideration, it will be found that this objection dwindles to little importance. And these considerations, to some extent, apply to another and more potent objection which may be raised, viz: the increase of the national debt which the assumption of the State debt would cause, and the deleterious effect upon our national credit which might be thereby produced.

Let us examine this objection carefully, and ascertain if it has any substantial foundation. The debts of the several States reckoned at par at the beginning of the present year, and the amount of the Sinking Fund

or assets available for the reduction of the principal, as ascertained from their Executives or chief financial officers, were as follows:

	TOTAL DEBT.	AMOUNT OF SINKING FUND AND ASSETS.	CONTINGENT LIABILITY.	
*Alabama	$8,478,018 00		8,480,000 00	
Arkansas	5,545,000 00		6,900,000 00	Probably.
California	3,372,500 00		1,500,000 00	
Connecticut	5,459,000 00			
Delaware	1,110,000 00		352,000 00	
*Florida	1,288,697 00		Not known.	
Georgia	8,186,500 00		3,208,000 00	Recognized as legal.
Illinois	1,732,467 18	635,000 00	858,717 57	
Indiana	4,650,830 37	112,391 48		
Iowa	300,000 00			
Kansas	1,336,675 00	135,527 34		
Kentucky	Sinking fund exceeds amount of		State debt.	
Louisiana	24,093,407 90		5,483,602 47	
Maine	9,345,098 40	1,020,247 04		
Maryland	10,911,678 75	5,013,606 56	315,000 00	
Massachusetts	27,692,704 00	10,454,274 08		
Michigan	1,763,292 78	419,773 23		
Minnesota	250,000 50		2,275,000 00	
Mississippi	2,670,618 68	100,000 00		
Missouri	18,747,000 00	221,000 00	3,000,000 00	
*Nebraska	247,300,00			
Nevada	660,000 00	35,779 83	35,843 27	
*N. Hampshire	438,369 00			
New Jersey	2,696,300 00	1,260,044 35		
New York	36,574,206 40	11,187,480 56	100,000 00	
†N'th Carolina	36,681,467 15			
Ohio	12,547,571 40	200,000 00		
*Oregon	106,583 00			
Pennsylvania	27,227,820 00	10,902,228 46		
Rhode Island	2,627,500 00			
*S'th Carolina	7,665,909 00			
Tennessee	31,585,322 08	10,618,939 89		
¶Texas	2,289,716 87	253,315 69		
Vermont	498,500 00	167,351 00		
Virginia, W's't Virginia, Wisconsin	44,000,000 00	Sinking fund &	assets deducted.	
	2,252,057 00			
Total	$345,032,109 96	$52,736,959 51	$32,508,163 31	

[NOTE.—Early in January last I addressed a circular note to the Governor of each State, requesting a statement of the exact amount of its debt, the amount of its Sinking Fund applicable to the reduction of the debt, together with the amount and character of its contingent liability. The above statement is made up from the responses which have been received from most of the States, and the others, marked with an * † ¶, from the Census of 1870 and other public documents. As to these latter States, changes may have occurred in the amounts since 1870, but it is more than probable that the actual amounts will be found to be considerably less than those given above. The contingent liabilities generally consist of indorsements of railroad bonds which are safe and secure, and hence do not properly enter into any estimate of the actual indebtedness of the States. All educational funds invested in State bonds are included in the actual debts. The debt of Virginia and West Virginia is the amount of the principal of the debt and interest to January 1st, 1873, after deducting assets and funds properly applicable to its reduction, the same never having been apportioned between the two States. North Carolina has assets of the nominal value (with

interest) of $26,555,500, and the amount of her debt, as given above, includes her old and new debt and unpaid interest. As to whether the State debts shall be paid at their par or market value, as well as the ascertainment of the exact and proper amounts thereof after the deduction of assets, are matters of practical detail to be provided for by act of Congress.]

From this statement it appears that the total indebtedness of all the States, after deducting the assets which should be applied to their liquidation, amounts to the sum of $292,295,150 45. And this sum would be further reduced by several millions if that portion of the debt of North Carolina and some other States, claimed to have been fraudulently contracted, be thrown out of the calculation. But to be entirely safe, take as a round sum $300,000,000 (counting all bonds, fraudulent as well as the unquestioned, at par, for I propose to answer this objection even in its most questionable form) as the total of State indebtedness, and we have the utmost possible increase of the national debt which the assumption of the State debts by the General Government would cause. This sum, at five per centum interest, the rate at which the Government is now funding its public debt, would annually require $15,000,000 to meet the accruing interest thereon, and to this extent, and no more, would the burthens of the Federal Treasury be increased.

But could this comparatively small sum cause any embarrassment or necessitate any increase of Federal taxation, or affect prejudicially our national credit? Why the present revenues of the General Government are sufficient to meet all its current expenses, including the interest upon the public debt, and leave a balance of nearly $100,000,000 to be applied to the payment of the principal of the public debt, and that, too, in advance of its maturity.

Without stopping here to discuss the wisdom of a financial policy which taxes the depressed and disordered energies and industries of a people just commencing to recover from the disastrous effects of a gigantic civil war, to anticipate the payment of the debt which it necessitated before it is required by the terms of the bond, it is sufficient, for our present purpose, to note that the only change which the payment of the interest upon the total debt of the States would necessitate in the present financial policy of the Federal Government, would be simply the decrease for a brief period by the sum of $15,000,000 of the amount of the national debt which might otherwise be annually paid. In other words, instead of annually paying as now $100,000,000 of the principal of the public debt, we should pay but $85,000,000, the balance of $15,000,000 being applied to the payment of the interest upon the debt of the States assumed. The assumption and payment of the debts of the States by the Federal Government would not, therefore, necessitate any increase of national taxation beyond what is now imposed, nor any increase of the revenues of the Government. If the tax-payers of the nation would not be adversely affected, could the public credit suffer? I think not. The fact that we should be able, without any increase of taxation, not only to pay the current expenses of the Government, together with the interest upon the whole debt thus increased, as well as to annually set aside, for a sinking fund, the amount required by law, but also, in addition to all this, to have left a surplus of $85,000,000 to be applied to the reduction of the principal of the public debt, would fully sustain our national credit at its present high standard. Public credit is based upon the ability and disposition of the State or nation to meet its obligations, and both of these we have already conclusively established to the entire satisfaction of the financial world. During the last seven years we have not only promptly met all

our obligations matured and maturing, but we have also paid more than $500,000,000 of the principal of the national debt. And these astonishing results have been achieved during a period when a depreciated paper currency unsettled values and deranged business generally, while the devastation and destruction of the late war, and the consequent poverty and suffering prevailed over one third of the Union, and from which we have but recently begun to substantially recover. And our astonishment and admiration is increased when we remember another important fact, that during all this time we have been gradually reducing taxation until to-day our internal taxation is less than one third of the amount collected seven years ago. If, during such a period, we have accomplished results like these, surely the confidence of our public creditors could not be shaken by our assumption of so comparatively small an annual liability as $15,000,000. Not only could no harm come to our national credit from the assumption of the State debts by the Federal Government, but no injury could result therefrom to the tax-payers, the people of the United States.

Another objection which will be urged to the *second* proposition is, that the adoption of the constitutional amendment proposed will be another step towards centralization, another movement for the concentration of all power in the General Government. But it may be successfully answered that this amendment would confer no new or additional power upon the Federal Government. That it would be an encroachment, *pro tanto*, upon State sovereignty cannot be denied, but it must be remembered that it would be the voluntary surrender of a power by the States, the exercise of which has heretofore in most instances resulted disastrously. Its exercise has bankrupted some States, dishonored others, and in few, if any, have the benefits conferred been at all commensurate with the evils entailed. Pennsylvania and Mississippi, Maryland and Illinois, in the past, and Minnesota, together with many of the Southern States, in the present, are prominent witnesses of the unwise exercise of this power. If ever useful or essential, the day for its exercise in the way of "State aid to public improvement" has passed. Whenever a State steps beyond the sphere of its legitimate governmental duties and enters the domain of private enterprise, substantial failure has been the almost unvarying result. So uniformly has this been the experience of the past that of late the tide of public sentiment has been setting strongly in the opposite direction, and we find incorporated in many of the recently formed State Constitutions an absolute prohibition from the contraction of any debt "except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war." Such is the wise provision of our State Constitution, and this is about the scope of the proposed amendment to the Federal Constitution. Had a like clause been incorporated in the fundamental law of every Southern State much of the wrong and disgrace which has transpired in some of them would never have occurred, and in none of them would the blighting curse of even partial repudiation obtained any countenance. If, then, the experience of both the past and the present unite in the condemnation of the unlimited exercise of this power, why not curtail it, especially if any substantial good can be accomplished thereby?

If States have found it necessary and wise to make such a law unto themselves, why not extend the sphere of its beneficence, and by the united voluntary action of all the States make it the public, the fundamental law of the nation? I confess to an implicit faith in the doctrine of "States' rights," as I understand it, but I fail to discover anything det-

rimental to the true interests or sovereign rights of the States in the voluntary curtailment of their power to harm themselves. If the adoption of the amendment proposed tended to aggrandize the powers of the Federal Government, it might be objectionable, for if the prevailing latitudinarian construction of these powers be correct, then they are too great already. But it would not. It would surrender no useful or necessary power of the States, and confer no additional authority upon the Federal Government. In its full scope and meaning it amounts simply to a guaranty that if the States are relieved from their present burthens no more unnecessary debts will be contracted in the future; and this guaranty ought to be given as a protection not only to the General Government, but to the States themselves. If all the States voluntarily unite for the purpose of liquidating all their indebtedness through the agency of the Federal Government, then that government, as well as that of each State, should have the highest assurance that no condition of affairs could again arise which might render such action necessary.

I have thus briefly noticed the chief objections which can be urged to the adoption of the two propositions mentioned, and I trust have demonstrated that they are not only not insuperable, but are rather of little serious importance when carefully and dispassionately examined.

Let us now briefly consider some of the advantages which would accrue from their adoption. The enhancement of American credit would be one of the most obvious as well as most important results. Every State bondholder would probably become a national creditor, and the diffusion of the ownership of the public debt among the people would enhance its popularity and increase its security and value; and the day would not be far distant when our national debt would be owned by American citizens, just as the debt of England is owned by Englishmen.

Why is it that we are paying upon our national debt a rate of interest fully two per centum higher than English Consols bear? It is not because our debt is larger or our resources less, for the truth is our debt is but little more than half, while our resources are superior to those of England. Besides, England has reached her maturity, while America is yet in the full vigor of youth, annually developing her strength in wealth and population with a rapidity never before equaled in the world's history. As I have shown, we demonstrated our ability to successfully cope with our debt before the nation had begun to recuperate from the exhaustion of the most gigantic and destructive war of modern times, and that, too, when that debt was larger than the addition of the total indebtedness of the States would now make it.

With these incontestible facts before the world, why is it that our national credit does not command a higher value than any other? It is because (among other reasons) of the competition it everywhere meets with American State credit, and because State credit has suffered and been tarnished by the unwise and suicidal course of many States in failing to protect it. The dishonor of American State credit must, of necessity, exercise a depressing influence upon American national credit. The people of the States constitute the nation, and when, if ever, they become demoralized and dishonest, these elements inevitably stamp themselves upon the national character. When the fountain becomes impure the stream will be foul. Who can estimate the unfavorable effects upon American credit, State and National, produced by the failure of Mississippi and others to protect theirs? Why, it is more than probable that, measured by the depression and consequent discount upon our securities, caused thereby, we have paid several times over the dishonored debts of

those States. It is true, and be it said to their honor, that all of these States, except Mississippi, taught by experience that "honesty is the best policy," long since removed, as far as possible, the stain of repudiation, by redeeming their dishonored obligations; but the shock which American credit received has never been forgotten, and never will be while the power remains to repeat it. In fact, its repetition is being enacted in other States to-day, and who can foresee its *extent or limitation?* The alarming attitude of a portion of the people of several of the States upon the subject of State indebtedness should awaken the gravest apprehensions of every patriot and statesman. The disease which afflicts a portion of the body-politic is contagious, and may extend its ravages to the whole. If the solemn obligations of States can be repudiated, why cannot those of the nation in like manner, and for like causes, be set aside? There is danger ahead, unless an effective remedy be applied. The adoption of the two propositions above named would prove a most effectual means to the accomplishment of the end desired. It would at once secure the withdrawal of all State credits from the money markets, both foreign and domestic, and would leave our national securities to free untrammeled competition with those of other nations. The only American public securities which would be known upon the market would be our national bonds, and this alone would largely enhance their position and strength. The constitutional prohibition upon the States from again incurring extravagant expenditures, in aid of what are popularly styled "public improvements," would be a guaranty not only to the people, but to capitalists, that the disastrous consequences to public credit thereby caused in the past as well as the present would not again occur. Again, as the people are relieved from State taxation, in a corresponding degree will their ability to respond to national requirements increase. And this is true even should there be no increase of prosperity. But who can doubt that the permanent removal of all the burthens of State indebtedness from the people would stimulate and enhance their prosperity in an increased and increasing ratio? Not only would the burthens of national taxation diminish as prosperity increased, but national credit would rise and strengthen as its basis was broadened and fortified by the universal thrift of the people. But not alone in these respects would our national credit be benefited. The extinction of State indebtedness and its interdiction for the future, would place our national credit upon so firm and enduring a basis, that in a few years our whole debt might be funded into new bonds, bearing no higher rate of interest than the public debt of England. The annual interest which might thus be saved would soon extinguish the entire State indebtedness assumed by the government. The reduction of the rate of interest upon our public debt, is "a consummation devoutly to be wished," not only because it would secure a corresponding reduction in tariffs and taxation, but for the more potent reason, that until that shall be accomplished, high rates of interest must prevail upon all other credits. So long as the government is a borrower in the market at a high rate of interest, so long will money command a *higher* rate of interest upon all other securities. You may fill your statute books with the most rigid usury laws, you may solemnly decree it a capital offense to take more than a given rate of interest for the loan of money, yet so long as the government is a borrower at a higher rate, that, and not your statutory rate, will control. The price of money, like that of every other commodity, is controlled by a higher than statute law—*the great law of supply and demand.* When the supply exceeds the demand, money will be cheap; but when the demand exceeds the supply, high rates of interest will ob-

tain. When the demands of the government are so much in excess of the supply as to compel it to pay a high rate of interest, all other demands will be supplied, if supplied at all, at just so much higher rates as the securities offered are considered inferior or less desirable than those of the government. The rates of interest upon all securities, both public and private, are too high in this country. They ought to be, and must be reduced, or financial disaster will sooner or later inevitably overtake us. But the true, if not the only feasible mode of compassing this end, is to begin with our public securities. Reduce the rate of interest upon them, and all others will follow in their wake. How this commencement may be successfully made, and how the end desired can be the most surely and speedily attained, I have, I trust, partially, at least, if not fully and successfully, demonstrated.

In discussing the advantages to our national credit, which would accrue from the action proposed, I have necessarily anticipated some of the benefits which would result therefrom to the people of the States. A high national credit is a great blessing of itself, and one participated in by all of the people. So likewise are low taxes, tariffs, and rates of interest, all of which may be approximated through the instrumentalities mentioned. But one of the principal, as well as more immediate advantages which relief from the great incubus of State debt will secure to the people, will be found in the almost universal revival and increase of the productive industries of the country. The entire body-politic will be reinvigorated and imbued with new life and new energy, and our industrial and financial interests will gravitate towards a sounder and healthier basis. The wealth of the country will be employed in the development of its resources rather than in speculating upon its necessities, and mining, manufacturing, and commercial enterprises, will be successfully inaugurated everywhere. Freedom from heavy local taxation and protection against it in the future will prove one of the highest inducements for immigration and the influx of capital. Especially will these results be realized in the Southern States. The losses in values to the people of these States by the late war were probably equal to, if not greater than, the present total amount of the national debt, and they emerged from the fearful ordeal stripped of nearly all their possessions save their desolated lands. But their debts remained, and have since been largely added to, both by unpaid interest and the creation of new debt, until to-day some of them are forced into a condition of dishonor in consequence of their inability to meet all their liabilities. And while they have partially recovered from the social difficulties, political embarrassments, and corrupt and demoralizing influences which compassed them about and still further sapped their substance and paralyzed their efforts, they have not regained their prosperity, and debt and taxation still weigh heavily upon them. But, notwithstanding their depressed and impoverished condition, they are compelled to contribute their full quota to the national revenue in due proportion with the prosperous North, and that, too, without realizing in a corresponding degree the advantages of large governmental disbursements in their midst. The State of Virginia alone annually pays into the Federal Treasury a sum more than three times larger than the amount of both the interest upon her public debt and the entire disbursements of the government within her borders.

When all these facts and figures are carefully considered, some reasonable estimate can be formed of the wisdom, the necessity, and the justice of the action proposed, as well as the immediate and almost inestimable advantages which would accrue to these States in particular, and to a

large extent to the whole country, by their prompt relief from the oppressive burthens of State debts. While the revival of prosperity throughout the South would be of more immediate consequence to her citizens, its beneficial effects would be shared in by the people of the whole country. No one section of our country can retrograde or advance without its influence for good or ill being felt by all of the others. It is true that the States owing the larger debts would at first be the greater beneficiaries, yet each succeeding year would lessen the differences and tend to equalize the advantages, and all, at all times, would realize the good effects of assured credit, reduced taxation, low rates of interest, renewed and reinvigorated industry and prosperity, and universal advancement and development. I know of no measure which could be devised of more general advantage to the people, or more beneficial to their interests and well being, nor one which would tend in an equal degree *to unite and harmonize the whole country, and obliterate the last vestiges of sectional differences and antagonisms.* To the people of our own State it would afford especial and additional relief. It would lessen the burthens of our State taxation by at least two thirds in amount, and with proper legislation the real estate of the Commonwealth might, in a brief period, be relieved from the remainder. It would banish from our legislative halls, and from our local politics that troublesome, if not dangerous subject, the "State debt," and confer upon us all the benefits which the most favored could realize.

If the General Assembly should concur with me in these propositions, I would respectfully recommend that prompt action be taken to invite the co-operation of our sister States in their support, and that our Representatives in both Houses of Congress be requested to use their best efforts to secure the necessary action on the part of the National Legislature.

It is proper, perhaps, that I should add, that since this paper has been in course of preparation, some discussion has occurred upon a proposition that the United States Government, and not the State of Virginia, in reality owes our debt contracted prior to 1861, for the reason that the disruption of the State, and the destruction of values by the war, was the act of that government, and because of the magnificent domain which Virginia, at an early day, ceded to the Federal Government. While there may be some equity in the latter reason, as to the former, it is sufficient to say that, even if it ever possessed any force, it is now too late to question our liability for that debt, after the same has been recognized by four different Legislatures, affirmed by our Supreme Court of Appeals, and sanctioned by the people themselves, in the adoption of our present Constitution, all of which has occurred since the war. I have also within a few days observed some newspaper paragraphs indicating that an attempt was to be made to induce the Federal Government to assume and pay the *ante bellum* debts of the Southern States; but every reason which can be urged in favor of such a plan, applies with far greater force to the propositions above suggested, while the many additional reasons which may be urged in favor of the latter do not apply to the former, and more objections exist to the former than can be urged to the latter.

GILBERT C. WALKER.

Ordered, That said message and accompanying documents be referred to the Committee on Federal Relations.

Mr. Hargis read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the resolution heretofore adopted by the General Assembly,

fixing the day of adjournment thereof at 12 o'clock, M., 22d of April, 1873, be, and the same is hereby, rescinded; and be it further resolved, that the General Assembly adjourn at 12 o'clock, M., Wednesday, April 23d, 1873, *sine die*.

The rule requiring said resolution to lie one day on the table being dispensed with, said resolution was then taken up for consideration.

Mr. McManama moved to amend said resolution by striking out the words "Wednesday, April 23d," and inserting in lieu thereof "Thursday, April 24th."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	John E. Cooper,	Thomas F. Hargis,
James F. Clay,	William P. Duvall,	A. L. Martin,
Harrison Cockrill,	W. McKee Fox,	O. D. McManama,
G. W. Connor,	D. R. Haggard,	A. G. Talbott—12.

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	Alfred T. Pope,
F. W. Darby,	I. L. Hyatt,	W. H. Sneed,
J. H. Dorman,	Wm. Johnson,	Ben. J. Webb—9.

The question was then taken on the adoption of said resolution, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

R. A. Burton,	William P. Duvall,	O. D. McManama,
James F. Clay,	W. McKee Fox,	Alfred T. Pope,
Harrison Cockrill,	D. R. Haggard,	W. H. Sneed,
G. W. Connor,	Thomas F. Hargis,	A. G. Talbott,
John E. Cooper,	I. L. Hyatt,	Ben. J. Webb—17.
J. H. Dorman,	A. L. Martin,	

Those who voted in the negative, were—

John S. Barlow,	Edwin Hawes,	Wm. Johnson—4.
F. W. Darby,		

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to amend section 519 of the Civil Code of Practice.

An amendment to said bill was proposed, which was adopted.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Hargis, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the House of Representatives, entitled

An act to incorporate the Mount Sterling and Carter County Mining and Manufacturing Company.

Mr. Hawes moved to suspend the rule of the Senate in order to take up for consideration the resolutions, which originated in the House of Representatives, entitled

Resolutions in relation to certain acts of the Congress of the United States.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs Hawes and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Harrison Cockrill,	I. L. Hyatt,
R. A. Burton,	John E. Cooper,	Alfred T. Pope,
W. H. Chelf,	Thomas F. Hargis,	W. H. Sneed,
James F. Clay	Edwin Hawes,	A. G. Talbott—12.

Those who voted in the negative, were—

G. W. Connor,	Wm. P. Duvall,	O. D. McManama,
F. W. Darby,	W. McKee Fox,	Ben. J. Webb—8.
J. H. Dorman,	Wm. Johnson,	

Mr. Webb moved to reconsider the vote by which the Senate had refused to suspend the rule.

Which motion was adopted.

Said resolutions were then taken up and read as follows, viz:

Whereas, The recent Congress of the United States have, by a law, increased the salary of the President to the sum of $50,000, and their own salaries to $7,500, per annum, and against the universal remonstrances of the public press, and against the entreaties of the people of the United States, for retrenchment of expenditures and reform of corruption and official plunder; and believing it to be the duty of the Representatives of the sovereign people of this Commonwealth to rebuke official corruption or mismanagement in whatever department it may exist, therefore, be it

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the action of the recent Congress of the United States in increasing the salary of the President to fifty thousand dollars per annum, and increasing their own salaries to seven thousand five hundred dollars per annum, and thereby donating each of themselves five thousand dollars, for which they have rendered no services, is highly reprehensible, and should be disapproved by their tax-ridden constituency.

2. *Resolved*, That the people of this Commonwealth highly approve and commend the course of their Representatives in both Houses of said Congress who refused to vote for said law.

3. *Resolved*, That such members of the Senate and House of Representatives of the Kentucky delegation as sat silently by and did not cast their votes, are alike the subject of our condemnation.

4. *Resolved*, That in our judgmeut the President of the United States deserves the censure of the people for approving the bill increasing his own salary and the salary of members of Congress.

Here ensued a series of dilatory motions which are not deemed of sufficient importance to be recorded. The Senate remained in session all night. At five minutes to seven o'clock, April 22d, Mr. Fox moved that the Senate do now adjourn until ten o'clock to-day.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Talbott, were as follows, viz:

Those who voted in the affirmative, were—

James B. Casey,	W. McKee Fox,	D. R. Haggard,
John E. Cooper,	W. W. Frazer,	Thomas F. Hargis,
J. H. Dorman,	John J. Gatewood,	A. L. Martin—10.
William P. Duvall,		

Those who voted in the negative, were—

John S. Barlow,	G. W. Connor,	K. F. Prichard,
R. A. Burton,	Edwin Hawes,	A. G. Talbott,
Harrison Cockrill,	I. L. Hyatt,	Emery Whitaker—9.

And then the Senate adjourned.

TUESDAY, APRIL 22, 1873.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of John F. King, sheriff of Knox county.

An act to amend section 519 of the Civil Code of Practice.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act to incorporate the Greensburg Deposit Bank," approved March 18, 1872.

An act for the benefit of Joseph Durban, of Lee county.

An act directing the Auditor to pay certain guard claims in Powell county.

An act to amend an act, entitled "An act to incorporate the Marion County Agricultural and Mechanical and Stock Association," approved January 16th, 1868.

An act to exempt secretaries, assistant secretaries, superintendents, assistant superintendents, and depot agents of railroads, from jury service.

An act for the benefit of C. B. Wickliffe, sheriff of Muhlenburg county.

An act to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9th, 1868.

An act for the benefit of common school district No. 1, in Pendleton county.

An act for the benefit of T. J. Smith and others.

An act to amend section 2 of an act, entitled "An act to authorize M. B. Goble to erect a boom across Blain creek, in Lawrence county," approved March 18th, 1870.

An act to amend the charter of the city of Ludlow.

An act for the benefit of John J. Macklin, late sheriff of Kenton county.

An act to authorize the clerk of the Jefferson county court to make an index and cross-index of said county.

An act to incorporate the Good Templars Aid Society, of Franklin county.

An act to amend the charter of the city of Covington.

An act to amend the charter of the city of Covington.

An act to amend the charter of the town of Lockport, in Henry county.

An act to appropriate money for the payment of a claim due Henry Dressman, of the city of Covington.

An act to incorporate the Louisville, Winchester, and Iron and Coal Region Railway Company.

An act to authorize the making of an abstract book for the counties of Kenton, Campbell, and Boone.

With amendments to the last four named bills.

Which were taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act for the benefit of Kenon county."

An act to amend section 191 of act revising the charter of the city of Paducah, Kentucky, approved March 27th, 1872.

An act to legalize the action of the Warren county court in borrowing seven thousand dollars for bridge purposes of Warren county.

An act for the benefit of S. M. Goble, of Carter county.

An act for the benefit of James Hogg, committee of Nancy Frazer, a pauper idiot, now of Rowan county.

An act for the benefit of Wm. R. Williams, of Elliott county.

An act to amend section 153, title "City Tax Collector," of an act revising the charter of the city of Paducah, Kentucky, approved March 27th, 1872.

An act to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Butler, Grayson, and Edmonson," approved March 28th, 1872.

An act to amend the charter of the town of Livermore, in McLean county.

An act repealing an act in regard to common schools in Carrollton, in Carroll county.

An act to amend the charter of the Newport and Dayton Street Railway Company.

An act for the benefit of school district No. 3, in Franklin county.

An act to amend an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association."

An act to amend an act to prohibit the sale of spirituous and intoxicating liquors in Rockcastle county, approved March 1st, 1870.

An act for the benefit of Lewis Plummer, jailer of Lewis county.

An act for the benefit of A. J. Cocanaugher, late sheriff of Washington county.

An act in relation to granting license for the sale of liquors in the town of Harrodsburg.

An act to prohibit the sale of spirituous or vinous liquors in Nicholas county.

An act to resubmit an act to prohibit the sale of spirituous, vinous, or malt liquors in Morgantown, or within one half mile of the corporate limits thereof, approved February 28th, 1872.

An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Madisonville," approved February 13th, 1873.

An act for the protection of property on Tennessee river.

An act to impose an additional tax on dogs in Bracken county.

An act to amend an act, entitled "An act to establish and maintain a system of public schools in the town of Corydon, in Henderson county."

An act to amend an act, entitled "An act to incorporate the Paducah, Blandville, and Columbus Gravel Road Company."

An act to authorize the county court of Harrison county to appropriate money towards building a bridge on the Cynthiana and Ashbrook's Mills Turnpike Road.

An act to incorporate Asher Lodge, No. 531, of Free and Accepted Masons.

An act to incorporate a Steam Ferry Company at the head of Island No. 1, on the Mississippi river, in Ballard county.

An act to prohibit the sale of spirituous, vinous, or malt liquors in Lincoln county, and to take a vote on the same.

An act to incorporate the Mt. Olive Encampment, No. 55, Independent Order of Odd Fellows, at Greenville.

An act to authorize the Garrard county court to appropriate money to aid in building a hospital for small-pox patients, and to levy a tax therefor.

An act for the benefit of Joseph T. Ratliffe, sheriff of Pike county, for the year 1871.

An act for the benefit of A. Portwood, sheriff of Anderson county.

An act to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth," approved March 22d, 1873.

An act to establish and incorporate the town of Stroud City, in Muhlenburg county.

An act to incorporate the Mount Sterling Gas-light Company.

An act for the benefit of Thos. H. Curd, Geo. W. Nell, and W. J. Page.

An act repealing an act preventing the setting of nets, seining, &c., in the streams, or parts of streams, in the counties of Trimble and Carroll.

An act to change the boundary line of the town of Clinton, in Hickman county.

An act in relation to persons convicted of penal offenses in Union county.

An act to pay expenses for certain services rendered by the Sergeant-at-Arms of the House of Representatives.

An act to amend an act, entitled "An act to reduce into one the several acts in relation to the city of Frankfort, and for other purposes."

An act to prohibit the submission of the question of taxation for railroad purposes in the county of Henry.

An act for the benefit of Sanford Goin, of Franklin county.

An act to charter the Dozier Mountain Coal Company.

A message was also received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

1. An act for the benefit of Wm. Tinsley, late sheriff of Knox county.

2. An act declaring certain portions of Round Stone creek, in Rockcastle county, a navigable stream.

3. An act to increase the jurisdiction of justices of the peace of Logan county.

4. An act to amend an act, entitled "An act to create and regulate the office of county treasurer of Floyd county," approved March 21st, 1871.

5. An act to amend an act, entitled "An act to incorporate the Prestonburg Academy and Normal School Building Joint Stock Company," approved 29th March, 1873.

6. An act to regulate the manufacturing, storing, keeping, and transporting nitro-glycerin, in Mason county.

7. An act to incorporate the Mercer County Medical Society, in Mercer county.

8. An act to authorize the town marshal of New Liberty to appoint a deputy.

9. An act for the benefit of E. M. Floyd, late sheriff of Todd county.

10. An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Versailles," approved March 6, 1868.

11. An act to amend an act to incorporate the Louisville Stock and Bond Board.

12. An act for the benefit of R. F. Scott, sheriff of Garrard county.

13. An act to repeal an act, entitled "An act to prohibit the selling, giving, or loaning intoxicating liquors in the village of Aaron's Run, or within a radius of two miles from the center thereof."

14. An act to prevent the sale of spirituous, vinous, or malt liquors in the first magisterial district of Todd county.

15. An act for the benefit of the police judge of the town of Leesburg, in Harrison county.

16. An act to authorize the county court of Breathitt to submit to the voters of said county the question of voting a tax for the purpose of having a survey made through said county for a railroad.

17. An act to amend an act to incorporate the town of Glenville, in Adair county.

Mr. Hawes moved a call of the roll, which was had, and a quorum found to be present.

Mr. Hawes then moved to take up the resolutions, which originated in the House of Representatives, entitled

Resolutions in relation to certain acts of the Congress of the United States.

And the question being taken on dispensing with the rule, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Clay and Martin, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Thomas F. Hargis,	K. F. Prichard,
James F. Clay,	Edwin Hawes,	A. G. Talbott,
G. W. Connor,	I. L. Hyatt,	Emery Whitaker—11.
John E. Cooper,	Alfred T. Pope,	

Those who voted in the negative, were—

James B. Casey,	W. McKee Fox,	Wm. Johnson,
Harrison Cockrill,	W. W. Frazer,	A. L. Martin,
J. H. Dorman,	John J. Gatewood,	A. L. McAfee,
William P. Duvall,	D. R. Haggard,	Ben. J. Webb—12.

Mr. Prichard moved the following resolution, viz:

Resolved, That the Committee on Federal Relations be instructed to report to the Senate the resolutions now in the hands of said committee relative to the recent appropriation bill which passed the Congress of the United States, by which the salary of the President of the United States and members of Congress was increased.

Which was adopted.

A message in writing was received from the Governor by Mr. Craddock, Secretary of State.

Said message was taken up and read as follows, viz:

State of Kentucky, Executive Department,
Frankfort, April 22, 1873.

Gentlemen of the Senate:

I nominate for your advice and consent, to be commissioned notary public, Wm. L. Jett, for the county of Franklin.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nomination.

A message was received from the Governor by Mr. Craddock, Secretary of State, announcing that the Governor had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to protect graveyards and cemeteries.

An act to incorporate the Minett Orphan Asylum of the city of Louisville.

An act concerning the various charitable institutions in this Commonwealth.

An act to incorporate the Calhoon and Rockport Packet Company.

An act to incorporate the Southwest Kentucky Immigration and Real Estate Company.

An act to incorporate the Falmouth Turnpike Road Company, in Pendleton county.

An act to amend the charter and laws of the town of Bellevue, in Campbell county.

An act to establish an additional justices' district in Bath county.

An act to fix and determine the boundary line between the States of Indiana and Kentucky, above and near Evansville.

An act for the benefit of Wm. T. Moore.

An act for the benefit of Alexander Cook and Sarah Cook, of Trimble county.

An act for the benefit of Thomas P. Cardwell and Wm. Spencer, of Breathitt county.

An act to amend the charter of the Eminence and Fox Run Turnpike Road Company.

An act for the benefit of George W. Sewall, common school commissioner of Breathitt county.

An act for the benefit of school district No. 27, in Ballard county.

An act to incorporate the Mayslick and Mill Creek Turnpike Road Company, in Mason county.

An act for the benefit of William Paull, Wm. Dayton, and Milton Humble, of Robertson county.

An act for the benefit of the Tuckahoe Ridge Turnpike Road Company, in Mason county.

An act to amend an act, entitled "An act to establish a new charter for the city of Louisville," approved March 3d, 1870.

An act to amend an act, entitled "An act establishing a new charter for the city of Louisville," approved the 3d day of March, 1870.

An act to amend an act, entitled "An act for the benefit of W. E. Duncan, late sheriff of Warren county."

An act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road.

An act to charter the Ohio River, Owenton, and Lexington Railway Company.

An act to incorporate the Mountain Railroad, Mining, and Manufacturing Company.

An act to incorporate the Rockcastle Railway Company.

An act for the benefit of the school trustees of Powell county for the school year ending June 30th, 1872.

An act to adopt the General Statutes.

Resolution in relation to the final adjournment of this General Assembly.

An act to charter the public schools of Falmouth and district No. 1, in Pendleton county.

An act to incorporate the Dry Ridge, Knoxville, and Demossville Turnpike Road Company.

Mr. Haggard read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That His Excellency, the Governor of this Commonwealth, be empowered to contract with the Public Printer, or any other person, for the publishing of certain valuable maps and illustrations, which were designed to accompany the fourth volume of the Geological Survey of Kentucky, issued in 1861; and he shall cause to be published from three to five thousand copies of said maps and illustrations, at a cost not to exceed three thousand dollars; and upon presentation of the bill for publishing said maps and illustrations, after being signed by the Governor, the Auditor is hereby directed to draw his warrant on the Treasurer for the amount of same, out of any money in the Treasury not otherwise appropriated.

The question was then taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	A. L. Martin,
Robert Boyd,	William P. Duvall,	A. L. McAfee,
James B. Casey,	W. McKee Fox,	Alfred T Pope,
James F. Clay,	W. W. Frazer,	K. F. Prichard,
Harrison Cockrill,	D. R. Haggard,	A. G. Talbott,
G. W. Connor,	Thomas F. Hargis,	Ben. J. Webb,
John E. Cooper,	I. L. Hyatt,	Emery Whitaker—23.
F. W. Darby,	William Johnson,	

Those who voted in the negative, were—

John J. Gatewood, Edwin Hawes, J. B. Haydon—3.

Mr. Dorman, from the Committee on Federal Relations, in obedience to the instructions of the Senate, reported resolutions, entitled

Resolutions in relation to the action of members of Congress in voting for an increase of the salary of the President of the United States and of their own pay.

[*For resolutions—see pages* 730 *and* 731.]

Mr. Hawes moved to amend said resolutions by substituting in lieu thereof the resolutions of the House of Representatives upon the same subject.

Mr. Martin moved a call of the roll, which was had, and the following Senators answered to their names, viz:

John S. Barlow,	William P. Duvall,	A. L. Martin,
Robert Boyd,	W. McKee Fox,	A. L. McAfee,
R. A. Burton,	W. W. Frazer,	Alfred T. Pope,
James B. Casey,	D. R. Haggard	K. F. Prichard,
James F. Clay,	Thomas F. Hargis.	W. H. Sneed,
Harrison Cockrill,	Edwin Hawes,	A. G. Talbott,
John E. Cooper,	J. B. Haydon,	Ben. J. Webb,
F. W. Darby,	William Johnson,	Emery Whitaker—25.
J. H. Dorman,		

Mr. Martin then moved a call of the Senate.

Mr. Fox moved to lay said motion on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Martin, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John J. Gatewood,	A. L. Martin,
Robert Boyd,	Thomas F. Hargis,	Alfred T. Pope,
R. A. Burton,	Edwin Hawes,	K. F. Prichard,
James B. Casey,	J. B. Haydon,	A. G. Talbott,
Harrison Cockrill,	I. L. Hyatt,	Ben. J. Webb,
William P. Duvall,	Wm. Johnson,	Emery Whitaker—18.

Those who voted in the negative, were—

John E. Cooper,	J. H. Dorman,	A. L. McAfee—5.
F. W. Darby,	D. R. Haggard,	

Mr. Fox asked to be excused from voting.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Martin and Cooper, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John E. Cooper,	Wm. Johnson,
Robert Boyd,	F. W. Darby,	A. L. Martin,
R. A. Burton,	William P. Duvall,	K. F. Prichard,
James B. Casey,	W. W. Frazer,	A. G. Talbott,
James F. Clay,	John J. Gatewood,	Ben. J. Webb,
Harrison Cockrill,	Thomas F. Hargis,	Emery Whitaker—20.
G W. Connor,	Edwin Hawes,	

Those who voted in the negative, were—

J. H. Dorman,	Alfred T. Pope,	W. H. Sneed—4.
J. B. Haydon,		

Mr. Prichard moved the previous question.

Mr. Martin moved an adjournment.

Mr. Fox moved to lay the motion of Mr. Martin on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Thomas F. Hargis,	Alfred T. Pope
Robert Boyd,	Edwin Hawes,	K. F. Prichard,
R. A. Burton,	I. L. Hyatt,	W. H. Sneed,
James F. Clay,	William Johnson,	A. G. Talbott,
Harrison Cockrill,	A. L. Martin,	Ben. J. Webb,
G. W. Connor,	A. L. McAfee,	Emery Whitaker—19.
William P. Duvall,		

Those who voted in the negative, were—

John E. Cooper,	W. McKee Fox,	John J. Gatewood,
J. H. Dorman,	W. W. Frazer,	J. B. Haydon—6

Mr. Darby asked to be excused from voting.

Mr. Martin called the yeas and nays.

Mr. Prichard then rose to a point of order.

The Speaker having decided that Mr. Martin's motion was in order, Mr. Prichard appealed from the decision of the Chair, which is as follows, viz:

The Senator from Caldwell moved to be excused from voting upon the motion to table the motion to adjourn made by the Senator from Pulaski, which motion to table was undecided; and the Senator from Floyd objected to said motion of the Senator from Caldwell, and demanded the yeas and nays thereon, which is objected to by the undersigned, Senator from Boyd, as out of order, he holding that a motion to be excused cannot be made at the stage of the present resolutions.

Mr. Martin moved a call of the roll, and the following Senators answered to their names, viz:

John S. Barlow,	W. McKee Fox,	A. L. Martin,
James B. Casey,	W. W. Frazer,	A. L. McAfee,
James F. Clay,	John J. Gatewood,	Alfred T. Pope,
Harrison Cockrill,	D. R. Haggard,	K. F. Prichard,
G. W. Connor,	Thomas F. Hargis,	A. G. Talbott,
John E. Cooper,	Edwin Hawes,	Ben. J. Webb,
F. W. Darby,	William Johnson,	Emery Whitaker—21.

Mr. Martin then moved a call of the Senate.

Mr. Fox moved to lay said motion on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Martin and Fox, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	Thomas F. Hargis,	A. L. Martin,
James F. Clay,	Edwin Hawes,	Alfred T. Pope,
Harrison Cockrill,	J. B. Haydon,	K. F. Prichard,
John E. Cooper,	William Johnson,	A. G. Talbott—13.
D. R. Haggard,		

Those who voted in the negative, were—

F. W. Darby,	John J. Gatewood,	W. H. Sneed—5.
W. McKee Fox,	A. L. McAfee,	

The hour having arrived for taking up the orders of the day, Mr. Prichard moved to dispense with the rule requiring the orders of the day to be taken up.

Mr. Martin moved to lay said motion on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Martin, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	W. W. Frazer,	A. L. Martin,
Robert Boyd,	John J. Gatewood,	Alfred T. Pope,
R. A. Burton,	Thomas F. Hargis,	K. F. Prichard,
James B. Casey,	Edwin Hawes,	A. G. Talbott,
James F. Clay,	William Johnson,	Emery Whitaker—16.
Harrison Cockrill,		

Those who voted in the negative, were—

John E. Cooper,	F. W. Darby,	J. H. Dorman—3.

Mr. Haggard, from the Committee on Propositions and Grievances, reported

A bill to repeal an act, entitled "An act to amend the charter of the New Castle and Eminence Turnpike Road," approved March 9, 1872.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to pay the expenses of D. R. Haggard, State agent, sent to Missouri after Cutter and Taylor, charged with forgery;

An act to exempt the counties of Estill and Lee from the provisions of section 14, chapter 67, of the Civil Code of Practice;

An act for the benefit of common schools in Perry county;

An act to authorize the clerk of the Allen circuit court to make a cross-index to suits and causes on file in said office;

An act to amend an act, entitled "An act to amend the charter of the Clarksville and Princeton Railroad Company," approved March 25th, 1872;

An act directing the Auditor to pay certain guard claims in Powell county;

An act for the benefit of the Louisville Board of Trade;

An act to incorporate the Elizabethtown Building and Loan Association;

An act to amend an act, entitled "An act to change the time of holding circuit courts in the fifth judicial district," approved January 13th, 1872;

An act for the benefit of C. M. Hanks, jailer of Wolfe county;

An act to incorporate Confederate City, in Rowan county.

An act to amend an act, entitled "An act to amend the charter of the Elizabethtown and Paducah Railroad Company," approved February 28th, 1873;

An act to prohibit the sale of spirituous, vinous, or malt liquors, or the mixture of either, in Jeffersontown precinct, in Jefferson county;

An act for the benefit of school district No. 21, in Carroll county;

An act to amend an act, entitled "An act for the benefit of common school district No. 1, in Allen county;"

An act to change and fix the time of holding the Estill county quarterly courts;

An act for the benefit of Trimble county in voting subscription of stock to railroads;

An act for the benefit of Wells, Mitchell & Co.;

An act to provide for the compensation of E. I. Bullock, G. W. Craddock, and J. M. Nesbitt, for services before the Joint Committee on the Revision of the Statutes;

An act to incorporate the Danville Gas-light Company;

An act extending further time to the county of Boyle in which to provide fire-proof vaults for county records;

An act to authorize sureties for costs to obtain a release from further liability;

An act to repeal an act, entitled "An act authorizing E. H. Smith and others to close an alley in Williamstown, Grant county;"

An act to repeal an act, entitled "An act to legalize the proceedings of the president and directors of the Danville and Hustonville Turnpike Road Company," approved April 16th, 1873;

Resolution to print synopsis of the General Acts;

And enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the Mount Sterling and Carter County Mining and Manufacturing Company;

An act to incorporate the North Kentucky Bridge Connecting Railway and Construction Company;

An act to incorporate the Transit Railway Company;

An act for the benefit of John Gibbs, of Wolfe county;

An act to give validity to the last will and testament of James J. Andrews, deceased, late of Fleming county;

An act to amend the charter of the South Kentucky Railroad Company;

An act to incorporate the Grand Lodge of the American Protestant Association of Kentucky;

An act for the benefit of John F. King, sheriff of Knox county;

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county;"

An act for the benefit of the town of Clinton;

An act in relation to the convicts of the Penitentiary;

An act to amend section 519 of the Civil Code of Practice;

An act to amend section 101 of the Civil Code of Practice;

An act to appropriate money;

And had found the same truly enrolled.

Said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

WEDNESDAY, APRIL 23, 1873.

A message was received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills and a resolution, which originated in the House of Representatives, of the following titles, viz:

An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Campbellsville," approved March 21st, 1871.

An act to declare Rock House Fork of Licking river a navigable stream.

An act to amend an act, entitled "An act to amend the charter of the town of Lancaster."

An act to prevent trespass upon inclosed lands in Harrison county.

An act to charter the Lyon Iron Mining Company.

An act to establish tram-tracks or rail-ways to navigable streams and railroads in Rockcastle county.

An act to prohibit the sale of liquors in the town of Eminence, Henry county.

An act for the benefit of Benjamin Stumbough and others, of Johnson county.

An act to authorize a portion of Jamestown magisterial district, in Campbell county, to purchase the Newport and Dayton Turnpike, and to bridge Taylor's creek.

An act to incorporate the Spinoza Society, of Fayette county.

An act to regulate and create the office of county treasurer in the counties of Perry and Harlan.

An act to incorporate the Lancaster Building and Loan Association.

An act to amend the charter of Russellville.

An act to amend an act, entitled "An act to incorporate the Eminence and Mulberry Turnpike Road Company."

An act defining the boundary line between the counties of Clay and Bell.

An act to amend the charter of the Bryantsville and Cane Run Turnpike Road Company.

An act fixing the time for the jailers of Cumberland and Clinton counties to enter upon the duties of their offices.

An act to declare Swinge Cat Fork of Big creek, in Pike county, a navigable stream for a distance of four miles from its mouth.

An act to declare the State Road Fork of Licking river, in Magoffin county, a navigable stream, from its mouth to John Q. O'Baley's mill.

An act declaring all that part of Caney Fork of Wolf creek, in Russell county, a navigable stream, that lies between Dick's Branch and Wolf creek.

An act to amend the charter of the Nicholasville and Jessamine County Turnpike Road Company.

An act to declare the lower Long Branch of Grassy creek, in Morgan county, a navigable stream, from its mouth to opposite the school-house on the lands of Jackson Goodpasture.

An act to authorize the sheriff and master commissioner of Fayette county to advertise sales of real estate and personal property in said county.

An act for the benefit of Andrew J. McCampbell, late sheriff of Jessamine county.

An act to amend an act, entitled "An act to incorporate the Clayville Male and Female Academy."

An act to incorporate the Kentucky Central Park Association, of Boyle county.

An act in regard to certain streets in the city of Louisville.

An act to incorporate the town of Anderson City.

An act to incorporate the Owensboro Building and Loan Association;

An act for the benefit of school district No. 29, in Washington county.

An act to amend an act, entitled "An act to incorporate the Louisville Orphans' Home Society," approved February 26th, 1859.

An act to repeal an act, entitled "An act to declare certain lakes and creeks in Ballard county navigable."

An act to legalize a certain survey made in the name of D. P. Mosley and J. H. Amyx, in Morgan county.

An act to legalize a certain survey made in the name of Wm. Day, in Morgan county.

An act for the benefit of W. S. Allen, late sheriff of Breathitt county, and his securities.

An act for the benefit of T. J. Phillips, jailer of Hardin county.

An act for the benefit of school district No. 17, in Garrard county.

An act to amend an act to authorize the voters of the town of Clinton to vote upon the proposition as to whether ardent spirits shall be sold within the corporate limits of said town, and to prohibit the sale of same.

An act to allow the erection of a public warehouse in Carroll county.

An act to amend an act to prohibit the sale of intoxicating liquors in the county of Bullitt, approved March 21st, 1871.

An act for the benefit of school district No. 7, in Marion county.

An act in relation to inquests of lunacy in Jefferson county.

An act to amend an act to incorporate the Massie's Mill Turnpike Road Company, approved March 7th, 1868.

An act to amend an act to incorporate the Commonwealth Printing Company.

An act for the benefit of common school district No 34, in Bracken county.

An act to repeal an act to amend the charter of the Winchester and Red River Turnpike Road Company, approved March 20th, 1872.

An act to incorporate the Louisville Locomotive and Car Company.

An act for the organization of public schools in the town of Clayville, in Webster county.

An act to establish schools for the education of children of citizens of African descent, in McCracken county.

An act for the benefit of James A. Allen, jailer of Bourbon county.

An act for the benefit of Gobrias Terry, Ben. T. Perkins, sr., and S. H. Perkins.

An act to amend an act, entitled "An act to cause good schoolhouses to be erected in the Eighth and Ninth Congressional Districts."

An act to incorporate the Cumberland Valley Mining Company.

An act for the benefit of Spencer King, sheriff of Bell county.

An act to repeal an act, entitled "An act for the benefit of common school district No. 31, in Bullitt county," approved March 15th, 1871.

An act to regulate advertisements of sales of sheriffs and master commissioners in the county of Jessamine.

An act for the benefit of the Hodgenville and Elizabethtown Turnpike Road Company.

An act to amend an act, entitled "An act to incorporate the Simpson County Agricultural and Mechanical Association," approved January 27th, 1868.

An act for the benefit of Nelson Durham, sheriff of Bell county.

An act for the benefit of J. J. Wood, late sheriff of Clinton county.

An act to incorporate the Tradewater Navigation, Mining, and Manufacturing Company.

An act to adopt the General Statutes.

An act to incorporate the South and West Banking Company.

An act for the benefit of common school district No. 1, in the county of Jessamine.

An act to incorporate the Eastern Kentucky Coal, Iron, Lumber, Land, and Manufacturing Company.

An act to appropriate money.

Resolution in relation to the final adjournment of this General Assembly.

A message in writing was received from the Governor by Mr. Craddock, Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, April 23, 1873.

Gentlemen of the Senate:

I nominate for your advice and consent, to be commissioned Steward for the "First Kentucky Lunatic Asylum," Mr. M. S. Dowden, and as a Board of Commissioners for said Asylum the following named gentlemen: M. C. Johnson, Jas. A. Grinstead, B. G. Thomas, Dr. Sanford Price, F. K. Hunt, Wm. Talbott, P. P. Johnson, Joseph S. Wolfolk, and G. W. Vaughn.

Respectfully,

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

Mr. Gatewood moved the following resolution, viz:

WHEREAS, The Forty-second Congress of the United States passed a bill, whereby the salary of the members was increased from five thousand to seven thousand five hundred dollars, and the salary of the President of the United States from twenty-five to fifty thousand dollars per annum; and whereas, said bill, by its terms, was made retroactive, so as to apply to the past session of Congress, whereby the members thereof receive a much greater salary than that heretofore fixed by law; therefore, be it

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That we disapprove of the action of said Congress in the passage of said bill, so far as it is retroactive, and the action of the President of the United States in the approval of the same, whereby it becomes a law.

2. That we approve of the action of the members of said Congress in relation thereto who voted against the passage of said bill.

Mr. Boyd then moved to amend said resolutions by substituting in lieu thereof the following, viz:

WHEREAS, The recent Congress of the United States passed an act increasing the salary of the President of the United States to the sum of fifty thousand dollars per annum, and that of members of Congress to seven thousand five hundred dollars; and said act, being retrospective in its operations, provides for the payment of said increased salary to members of Congress for the whole term then about to expire, thereby taking out of the Treasury of the United States, and appropriating to their own use, in violation of good faith, and contrary to the principles of justice and equity, five thousand dollars each; therefore,

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That the action of the Congress of the United States, in enacting said law, is a flagrant violation of the will of the people, as repeatedly expressed by them in conventions and through the public press, the people being unalterably in favor of retrenchment and reform, and against such reckless and needless expenditure of the public money.

2. That the conduct of the members of Congress who voted for and sanctioned the passage of said act, and of the President, who signed the same, is reprehensible in the highest degree, and meets with the unqualified disapproval and condemnation of this General Assembly, and should be rebuked by every patriot in the land, irrespective of party.

3. That we commend the course of the members of the Senate and House of Representatives who refused to vote for or sanction such iniquitous legislation.

4. That we condemn, in unmeasured terms, extravagance and reckless legislation, whether it occurs in the State or National Government, and recommend that those who participate therein should be held to strict accountability.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Boyd and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

Robert Boyd,	James F. Clay	I. L. Hyatt—5.
R. A. Burton,	Edwin Hawes,	

Those who voted in the negative, were—

John S. Barlow,	W. W. Frazer,	O. D. McManama,
James B. Casey,	John J. Gatewood,	Alfred T. Pope,
John E. Cooper,	D. R. Haggard,	K. F. Prichard,
F. W. Darby,	J. B. Haydon,	A. G. Talbott,
J. H. Dorman,	Wm. Johnson,	Ben. J. Webb,

Wm. P. Duvall, A. L. Martin, Emery Whitaker—19.
W. McKee Fox,

The question was then taken on the adoption of the resolutions introduced by Mr. Gatewood, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gatewood and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	Wm. Johnson,
Robert Boyd,	William P. Duvall,	A. L. Martin,
R. A. Burton,	W. McKee Fox,	O. D. McManama,
James B. Casey,	W. W. Frazer,	Alfred T. Pope,
James F. Clay,	John J. Gatewood,	K. F. Prichard,
Harrison Cockrill,	D. R. Haggard,	A. G. Talbott,
G. W. Connor,	Edwin Hawes,	Ben. J. Webb,
John E. Cooper,	J. B. Haydon,	Emery Whitaker—26.
F. W. Darby,	I. L. Hyatt,	

In the negative, none.

Mr. Boyd, from the Committee on Propositions and Grievances, reported the following bills, viz:

A bill for the benefit of Wash Johnson, of Laurel county.

A bill for the benefit of Wm. Lovelace & Co., of Laurel county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Pope reported a bill, entitled

A bill for the benefit of the incorporated banks in Jefferson county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, it shall be lawful for any two or more of the incorporated banks in Jefferson county to consolidate and form one bank; and said consolidated bank so

formed shall be operated under the charters of the banks so consolidating, and under the name of one of the said banks: *Provided*, The consent of a majority in interest of the stockholders in the banks severally so consolidating being first had thereto in writing.

§ 2. This act to take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hawes and Prichard, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	John E. Cooper,	A. L. Martin,
Robert Boyd,	F. W. Darby,	Alfred T. Pope,
R. A. Burton,	W. W. Frazer,	K. F. Prichard,
James B. Casey,	D. R. Haggard,	W. H. Sneed,
James F. Clay,	J. B. Haydon,	Ben. J. Webb,
Harrison Cockrill,	I. L. Hyatt,	Emery Whitaker—19.
G. W. Connor,	Wm. Johnson,	

Those who voted in the negative, were—

Edwin Hawes, A. G. Talbott—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Sneed, from the Committee on Finance, to whom was referred a resolution from the House of Representatives, entitled

Resolution in relation to the removal of the remains of Messrs. Fry, O'Hara, and Cardwell,

Reported the same without amendment.

Said resolution reads as follows, viz:

Whereas, General Carey H. Fry, who was Major of the Second Kentucky Infantry in the Mexican war, and the immortal poet and soldier in the same war, Colonel Theodore O'Hara, and Adjutant Geo. W. Cardwell, are dead, and their remains lie in distant States; and, as their old mother, "Kentucky, claims the ashes of her brave," it is due to these sons, who have added so much luster to her name, that their ashes should be brought to that mother's bosom and laid beside their compatriots, McKee, Marshall, Clay, Willis, Vaughn, and the host of heroes whose monument already marks the spot where they should rest; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be directed to have the remains of Gen. Carey H. Fry, Col. Theodore O'Hara, and Adjutant George W. Cardwell, brought to and deposited in the State military lot at Frankfort, and their graves marked with appropriate stones.

The question was then taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance to a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	J. H. Dorman,	O. D. McManama,
R. A. Burton,	William P. Duvall,	Alfred T. Pope,
James B. Casey,	John J. Gatewood,	K. F. Prichard,
James F. Clay,	J. B. Haydon,	W. H. Sneed,
Harrison Cockrill,	I. L. Hyatt,	A. G. Talbott,
G. W. Connor,	Wm. Johnson,	Ben. J. Webb,
John E. Cooper,	A. L. Martin,	Emery Whitaker—22.
F. W. Darby,		

In the negative, Edwin Hawes—1.

Mr. McManama moved the following resolution, viz:

Resolved, That the Senator from the county of Hardin is hereby fully justified in his vote on the bill fixing the salary of the Adjutant General at one thousand two hundred dollars.

Which was adopted.

The Senate took up for consideration bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Wm. Tinsley, late sheriff of Knox county.

An act declaring certain portions of Round Stone creek, in Rockcastle county, a navigable stream.

An act to amend an act, entitled "An act to create and regulate the office of county treasurer of Floyd county," approved March 21st, 1871.

An act to amend an act, entitled "An act to incorporate the Prestonburg Academy and Normal School Building Joint Stock Company," approved 29th March, 1873.

An act to regulate the manufacturing, storing, keeping, and transporting nitro-glycerin, in Mason county.

An act to incorporate the Mercer County Medical Society, in Mercer county.

An act for the benefit of E M. Floyd, late sheriff of Todd county.

An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Versailles," approved March 6, 1868.

An act to amend an act to incorporate the Louisville Stock and Bond Board.

An act for the benefit of R. F. Scott, sheriff of Garrard county.

An act to repeal an act, entitled "An act to prohibit the selling, giving, or loaning intoxicating liquors in the village of Aaron's Run, or within a radius of two miles from the center thereof."

An act to prevent the sale of spirituous, vinous, or malt liquors in the first magisterial district of Todd county.

An act for the benefit of the police judge of the town of Leesburg, in Harrison county.

An act to authorize the county court of Breathitt to submit to the voters of said county the question of voting a tax for the purpose of having a survey made through said county for a railroad.

An act to amend an act to incorporate the town of Glenville, in Adair county.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate also took up for consideration bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend act, entitled "An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district," approved April —, 1873.

An act to pay Clinton county for keeping Louisa Eldridge, a pauper lunatic of this Commonwealth.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Senate took up for consideration the amendment proposed by the House of Representatives to a resolution, which originated in the Senate, in relation to printing and distributing the acts of the present General Assembly.

Which was concurred in.

The Senate took up for consideration a bill, which originated in the House of Representatives, entitled

An act to increase the jurisdiction of justices of the peace of Logan county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the several justices of the peace in the county of Logan shall have jurisdiction concurrent with the quarterly court of all actions and proceedings for the recovery of money or personal property, where the amount in controversy does not exceed, exclusive of interest and cost, one hundred dollars.

The question was then taken on the passage of said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wm. Johnson and Frazer, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,	D. R. Haggard,	A. L. Martin,
Harrison Cockrill,	I. L. Hyatt,	Ben. J. Webb—7.
W. W. Frazer,		

Those who voted in the negative, were—

R. A. Burton,	William P. Duvall,	William Johnson,
James F. Clay,	John J. Gatewood,	K. F. Prichard,
G. W. Connor,	Edwin Hawes,	W. H. Sneed,
John E. Cooper,	J. B. Haydon,	A. G. Talbott—13.
J. H. Dorman,		

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Joseph Durban, of Lee county;

An act to incorporate Mayfield Lodge, No. 151, I. O. O. F.

An act to amend an act, entitled "An act to incorporate the Greensburg Deposit Bank," approved March 18, 1872;

An act to amend an act, entitled "An act to incorporate the Marion County Agricultural and Mechanical and Stock Association," approved January 16th, 1868;

An act to incorporate the Frankfort True Friend Society;

An act to amend the charter of the city of Ludlow;

An act to amend an act, entitled "An act to amend the charter of the Jefferson and Brownsboro Turnpike Road Company;"

An act to amend the charter of the city of Covington;

An act to amend the charter of the city of Covington;

An act to incorporate the Good Templars Aid Society, of Franklin county;

An act to authorize the clerk of the Jefferson county court to make an index and cross-index of said county;

An act for the benefit of the judge of the Warren court of common pleas;

An act for the benefit of John J. Macklin, late sheriff of Kenton county;

An act to incorporate the Lambert Mining Company;

An act for the benefit of T. J. Smith and others;

An act to amend section 4 of an act, entitled "An act to authorize M. B. Goble to erect a boom across Blain creek, in Lawrence county," approved March 18th, 1870;

An act for the benefit of common school district No. 1, in Pendleton county;

An act to amend the charter of the town of Lockport, in Henry county;

An act to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9th, 1868;

An act to appropriate money for the payment of a claim due Henry Dressman, of the city of Covington;

An act to authorize the making of an abstract book for the counties of Kenton, Campbell, and Boone;

An act to provide for the transfer of certain causes from the Graves circuit court to the McCracken court of common pleas;

An act to exempt secretaries, assistant secretaries, superintendents, assistant superintendents, and depot agents of railroads, from jury service;

And also enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of R. B. Lovel, late sheriff of Lewis county;

An act for the benefit of Mrs. Margaret Decker;

An act for the benefit of the Bank of Louisville;

An act to further amend an act, entitled "An act for the benefit of the estate of Thomas H. Crawford, deceased," approved January 13th, 1872;

An act for the benefit of J. N. Culton, late sheriff of Jackson county;

An act to provide for the education of colored children in Garrard county;

An act for the benefit of H. B. Wiseman, former sheriff of Estill county;

An act to legalize the actions of the Greenup county court of levy and claims;

An act for the benefit of school district No. 38, in Henry county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

And then the Senate adjourned.

THURSDAY, APRIL 24, 1873.

A message was received from the House of Representatives, announcing that they had disagreed to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of the Fourth Kentucky Lunatic Asylum.

A message was also received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to repeal an act, entitled "An act to amend the charter of the New Castle and Eminence Turnpike Road," approved March 9th, 1872.

An act for the benefit of Wash Johnson, assessor of Laurel county.

An act for the benefit of Wm. Lovelace & Co., of Laurel county.

An act to appropriate money for the payment of a claim due Thos. Woods, of the city of Covington.

An act to appropriate money for the payment of taxes due from the State to the city of Covington.

Mr. Cooper, from the Committee on Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act to incorporate the town of Glenville, in Adair county;

An act to pay Clinton county for keeping Louisa Eldridge, a pauper lunatic of this Commonwealth;

An act to amend an act, entitled "An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district," approved April —, 1873;

An act for the benefit of William Tinsley, late sheriff of Knox county;

An act declaring certain portions of Round Stone Creek, in Rockcastle county, a navigable stream;

An act to amend an act, entitled "An act to create and regulate the office of county treasurer of Floyd county," approved March 21st, 1871;

An act to amend an act, entitled "An act to incorporate the Prestonsburg Academy and Normal School Building Joint Stock Company;" approved March 29th, 1873;

An act to regulate the manufacturing, storing, keeping, and transporting nitro-glycerin, in Mason county;

An act to incorporate the Mercer County Medical Society, in Mercer county;

An act for the benefit of E. M. Flack, late sheriff of Todd county;

An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Versailles," approved March 6, 1868;

An act to amend an act to incorporate the Louisville Stock and Bond Board;

An act for the benefit of R. F. Scott, sheriff of Garrard county;

An act to repeal an act, entitled "An act to prohibit the selling, giving, or loaning intoxicating liquors in the village of Aaron's Run, or within a radius of two miles from the center thereof;"

An act to prevent the sale of spirituous, vinous, or malt liquors in the first magisterial district, in Todd county;

An act for the benefit of the police judge of the town of Leesburg, in Harrison county;

An act to authorize the county court of Breathitt to submit to the voters of said county the question of voting a tax for the purpose of having a survey made through said county for a railroad;

Resolution providing for the removal of the remains of General C. H. Fry, Col. Theodore O'Hara, and Adjutant George W. Cardwell;

And enrolled bills and a resolution, which orginated in the Senate, of the following titles, viz:

An act to incorporate the Louisville, Winchester, and Iron and Coal Region Railway Company;

An act for the benefit of C. B. Wickliffe, sheriff of Muhlenburg county;

An act to appropriate money for the payment of a claim due Thos. Woods, of the city of Covington;

An act to appropriate money for the payment of taxes due from the State to the city of Covington;

An act to repeal an act, entitled "An act to amend the charter of the New Castle and Eminence Turnpike Road," approved March 9, 1872;

An act for the benefit of Wash Johnson, Assessor of Laurel county;

An act for the benefit of Wm. Lovelace & Co., of Laurel county;

Resolution to print and distribute pamphlet edition of Public Acts;

And had found the same truly enrolled.

Said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Cooper reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing that they had adopted a resolution, which originated in that body, entitled

Resolution for the benefit of Wm. H. Stanley.

Said resolution was taken up, twice read, and concurred in.

A message was also received from the House of Representatives, announcing that they had received official information from the Governor that he had approved and signed enrolled bills and resolutions,

which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act to incorporate the town of Williamsburg, in Whitley county."

An act to amend the charter of the South Kentucky Railroad Company.

An act to incorporate the Grand Lodge of the American Protestant Association of Kentucky.

An act for the benefit of the town of Clinton.

An act for the benefit of John Gibbs, of Wolfe county.

An act in relation to the convicts of the Penitentiary.

An act to amend section 519 of the Civil Code of Practice.

An act to amend section 101 of the Civil Code of Practice.

An act for the benefit of John F. King, sheriff of Knox county.

An act to provide for the education of colored children in Garrard county.

An act for the benefit of R. B. Lovel, late sheriff of Lewis county.

An act for the benefit of school district No. 38, in Henry county.

An act for the benefit of Mrs. Margaret Decker.

An act for the benefit of H. B. Wiseman, former sheriff of Estill county.

An act for the benefit of J. N. Cullin, late sheriff of Jackson county.

An act for the benefit of the Bank of Louisville.

An act to further amend an act, entitled "An act for the benefit of the estate of Thos. H. Crawford, deceased," approved January 13th, 1872.

An act for the benefit of John J. Macklin, late sheriff of Kenton county.

An act authorizing the county court of claims of Fleming county to carry into effect the bequest of J. J. Andrews, deceased, to the poor of Fleming county.

An act to incorporate the Mount Sterling and Carter County Mining and Manufacturing Company.

An act to legalize the action of the Greenup county court of levy and claims.

An act for the benefit of C. B. Wickliffe, sheriff of Muhlenburg county.

An act to authorize sales and conveyances by trustees under a power.

An act to incorporate the Henderson Building and Loan Association.

An act for the benefit of Wash Johnson, assessor of Laurel county.

An act to repeal an act, entitled "An act to amend the charter of the New Castle and Eminence Turnpike Road," approved March 9, 1872.

An act to appropriate money for the payment of taxes due from the State to the city of Covington.

An act to appropriate money for the payment of a claim of Thos. Woods, of the city of Covington.

Resolution to print and distribute pamphlet edition of Public Acts.

Resolution for the benefit of W. H. Stanley.

A message in writing was received from the Governor by Mr. Craddock, Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, April 24, 1873.

Gentlemen of the Senate:

I nominate for your advice and consent, to be commissioned as officers of the First Kentucky Lunatic Asylum, to-wit:

For First Assistant Physician, Dr. Thos. P. Dudley, jr.; and for Second Assistant Physician, Dr. W. H. Rogers.

For Superintendent of the Second Kentucky Lunatic Asylum, Dr. James Rodman.

For Superintendent of the Third Kentucky Lunatic Asylum, Dr. E. H. Black.

For Superintendent of the Fourth Kentucky Lunatic Asylum, Dr. C. C. Forbes.

And as officers for the Kentucky Asylum for the Education of the Blind, B. B. Huntoon, Superintendent; E. J. Vaughn for Steward; Dr. T. S. Bell for Attendant Physician; and for a Board of Commissioners, Governor Thos. E. Bramlette, Hon. Wm. F. Bullock, Hon. H. J. Stites, Hon. A. T. Pope, James Harrison, William Kendrick, T. S. Bell, John G. Barret, and Zach. Shirley.

Respectfully,

P. H. LESLIE.

Resolved, That the Senate advise and consent to said nominations.

A message was also received from the Governor by Mr. Craddock, Secretary of State, announcing that the Governor had approved and signed enrolled bills and resolutions, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act to amend the charter of the Clarksville and Princeton Railroad Company," approved March 25th, 1872.

An act to repeal an act, entitled "An act authorizing E. H. Smith and others to close an alley in Williamstown, Grant county."

An act extending further time to the county of Boyle in which to provide fire-proof vaults for county records.

An act for the benefit of Trimble county in voting subscription of stock to railroads.

An act to pay the expenses of D. R. Haggard, State agent, sent to Missouri after Cutter and Taylor, charged with forgery.

An act to amend an act, entitled "An act to amend the charter of the Elizabethtown and Paducah Railroad Company," approved February 28th, 1873.

An act for the benefit of school district No. 21, in Carroll county.

An act to incorporate Confederate City, in Rowan county.

An act to authorize sureties for costs to obtain a release from further liability.

An act to exempt the counties of Estill and Lee from the provisions of section 14, chapter 67, of the Civil Code of Practice.

An act to change and fix the time of holding the Estill county quarterly courts.

An act to prohibit the sale of spirituous, vinous, or malt liquors, or the mixture of either, in Jeffersontown precinct, in Jefferson county.

An act to amend an act, entitled "An act for the benefit of common school district No. 1, in Allen county."

An act to incorporate the Danville Gas-light Company.

An act directing the Auditor to pay certain guard claims in Powell county.

An act to incorporate the Elizabethtown Building and Loan Association.

An act to authorize the clerk of the Allen circuit court to make a cross-index to suits and causes on file in said office.

An act for the benefit of C. M. Hanks, jailer of Wolfe county.

An act to provide for the compensation of E. I. Bullock, G. W. Craddock, and J. M. Nesbitt, for services before the Joint Committee on the Revision of the Statutes.

An act to repeal an act, entitled "An act to legalize the proceedings of the president and directors of the Danville and Hustonville Turnpike Road Company," approved April 16th, 1873.

An act to exempt secretaries, assistant secretaries, superintendents, assistant superintendents, and depot agents of railroads, from jury service.

An act to amend an act, entitled "An act to incorporate the Marion County Agricultural, Mechanical, and Stock Association," approved January 16, 1868.

An act for the benefit of Joseph Durban, of Lee county.

An act for the benefit of the judge of the Warren court of common pleas.

An act to amend an act, entitled "An act to incorporate Greensburg Deposit Bank," approved March the 18th, 1872.

An act for the benefit of common school district No. 1, in Pendleton county.

An act to amend an act, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth," approved March 9, 1868.

An act to appropriate money for the payment of a claim due Henry Dressman, of Kenton county.

An act to authorize the making of an abstract-book for the counties of Kenton and Boone.

An act to incorporate the Frankfort True Friend Society.

An act to provide for the transfer of certain causes from the Graves circuit court to the McCracken court of common pleas.

An act to amend the charter of the city of Covington.

An act to incorporate Mayfield Lodge, No. 151, I. O. O. F.

An act to amed an act, entitled "An act to amend the charter of the Jefferson and Brownsboro Turnpike Road Company."

An act to amend the charter of the city of Covington.

An act to incorporate the Lambert Mining Company.

An act to amend section 4 of an act, entitled "An act to authorize M. B. Goble to erect a boom across Blain creek, in Lawrence county," approved March 18, 1870.

An act to authorize the clerk of the Jefferson circuit court to make an index and cross-index of said county.

An act to incorporate the Good Templars Aid Society of Franklin county.

An act to amend the charter of the town of Lockport, in Henry county.

An act to amend an act, entitled "An act to change the time for holding the circuit courts in the fifth judicial district," approved January 13, 1872.

An act to amend the charter of the city of Ludlow.

An act for the benefit of the Louisville Board of Trade.

An act to regulate the manufacturing, storing, keeping, and transporting nitro-glycerin, in Mason county.

An act to amend an act, entitled "An act to create and regulate the office of county treasurer of Floyd county," approved March 21st, 1871.

An act to amend an act to incorporate the Louisville Stock and Bond Board.

An act to amend an act, entitled "An act to incorporate the Prestonburg Academy and Normal School Building Joint Stock Company," approved 29th March, 1873.

An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Versailles," approved March 6, 1868.

An act to authorize the county court of Breathitt to submit to the voters of said county the question of voting a tax for the purpose of having a survey made through said county for a railroad.

An act for the benefit of R. F. Scott, sheriff of Garrard county.

An act to repeal an act, entitled "An act to prohibit the selling, giving, or loaning intoxicating liquors in the village of Aaron's Run, or within a radius of two miles from the center thereof."

An act to pay Clinton county for keeping Louisa Eldridge, a pauper lunatic of this Commonwealth.

An act for the benefit of the police judge of the town of Leesburg, in Harrison county.

An act for the benefit of E M. Flack, late sheriff of Todd county.

An act to incorporate the Mercer County Medical Society, in Mercer county.

An act to prevent the sale of spirituous, vinous, or malt liquors in the first magisterial district of Todd county.

An act to amend act, entitled "An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district," approved April —, 1873.

An act for the benefit of Wm. Tinsley, late sheriff of Knox county.

An act declaring certain portions of Round Stone creek, in Rockcastle county, a navigable stream.

An act to incorporate the Transit Railway Company.

An act to incorporate the North Kentucky Bridge Connecting Railway and Construction Company.

Resolution to print synopsis of the General Acts.

Resolution providing for removal of the remains of General C. H. Fry, Colonel Theodore O'Hara, and Adjutant George W. Cardwell.

Mr. Cooper moved the following resolution, viz:

Resolved, That the thanks of this Senate are due, and are hereby tendered, to the Hon. John G. Carlisle, for his fairness, urbanity, and uniform courtesy to the members of the Senate whilst in the discharge of his duties as Speaker of the Senate; also the same sentiments of kindness is hereby expressed to Hons. Wm. Johnson and G. A. C. Holt, as Speakers *pro tempore* of the Senate, and to J. Russell Hawkins and John L. Sneed, for the faithful and efficient manner in which they have discharged their duties as Clerks of the Senate, and to D. D. Sublett, Sergeant-at-Arms, and J. B. Reed, Door-keeper of the Senate, and R. G. Burton and W. T. Marshall, Enrolling Clerks of the two Houses, for the faithful discharge of their duties, and also to the attaches of the Senate, for the prompt manner in which they have respectively discharged their duties.

Which was twice read and adopted.

Mr. Whitaker moved the following resolutions, viz:

Resolved, That the Senate of the State of Kentucky has, with the deepest regret, heard of the death of the Hon. Garrett Davis, late United States Senator from the State of Kentucky.

Resolved, That the State of Kentucky has lost in his death one of her most prominent citizens, a most faithful champion of her constitutional rights, a statesman without guile, and a man, the memory of whose supreme honesty in word and deed, and manly virtues in fullfilling to their fullest extent the varied obligations of life, will constitute for him an imperishable monument.

Resolved, That, as a mark of respect to the memory of the departed statesman, that the members and officers of the Senate wear for thirty days the usual badge of mourning, and the hall of the Senate be draped in mourning for the same period of time.

Which were twice read and adopted.

A message was received from the House of Representatives, announcing that they had adopted a resolution, which originated in their body, entitled

Resolution directing the Clerk of the joint committee on the Revision of the Statutes to deposit with the Secretary of State the journal kept by him.

Which resolution was taken up, twice read, and concurred in.

After an interchange of messages between the two Houses in relation to the completion of their legislative business, and their readiness to adjourn—a message having previously been received from the Governor, announcing that he had no further communication to make to the General Assembly—

The Speaker, after having delivered a short but most appropriate address, at 12 o'clock, M., declared the Senate adjourned *sine die*.

LIST OF SENATORS AND OFFICERS,

Showing District Represented, Term, Name, Post-office Address, County, Occupation, and Age.

DIST.	TERM.	NAME.	POST-OFFICE.	COUNTY.	OCCUPATION.	AGE.
	4 years	John G. Carlisle	Covington	Kenton	Lawyer	37
11th	4 years	John S. Barlow	Cave City	Barren	Farmer	68
38th	2 years	Robert Boyd	London	Laurel	Lawyer	38
15th	2 years	R. A. Burton	Lebanon	Marion	Farmer	37
6th	4 years	E. P. Campbell	Hopkinsville	Christian	Lawyer	38
24th	2 years	James B. Casey	Covington	Kenton	Commission Merchant	43
19th	2 years	W. H. Chelf	Greensburg	Green	Lawyer	37
5th	4 years	James F. Clay	Henderson	Henderson	Lawyer	31
29th	2 years	Harrison Cockrill	Irvine	Estill	Farmer	45
9th	2 years	Wm. L. Conklin	Litchfield	Grayson	Lawyer	59
28th	2 years	G. W. Connor	Owingsville	Bath	Merchant	38
34th	4 years	John E. Cooper	West Liberty	Morgan	Lawyer	36
4th	4 years	F. W. Darby	Princeton	Caldwell	Lawyer	31
23d	2 years	J. H. Dorman	Owenton	Owen	Lawyer	40
22d	4 years	William P. Duvall	Stamping Ground	Scott	Farmer	56
17th	2 years	W. McKee Fox	Somerset	Pulaski	Lawyer	34
12th	4 years	W. W. Frazer	Allensville	Todd	Lawyer	38
13th	4 years	John J. Gatewood	Scottville	Allen	Lawyer	41
2d	4 years	Jesse C. Gilbert	Benton	Marshall	Lawyer	40
16th	4 years	D. R. Haggard	Burksville	Cumberland	Physician	44
1st	4 years	H. S. Hale	Mayfield	Graves	Lawyer	36
30th	4 years	Thomas F. Hargis	Carlisle	Nicholas	Lawyer	
7th	2 years	Edwin Hawes	Yelvington	Daviess	Farmer	64
10th	2 years	J. B. Haydon	Elizabethtown	Hardin	Farmer	59
3d	4 years	G. A. C. Holt	Murray	Calloway	Lawyer	
35th	4 years	I. L. Hyatt	Louisville	Jefferson		
8th	2 years	John W. Johnson	Calhoon	McLean	Merchant	48
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33d	4 years	A. L. Martin	Prestonsburg	Floyd	Lawyer	
27th	2 years	A. L. McAfee	Nicholasville	Jessamine	Lawyer	44
26th	4 years	O. D. McManama	Williamstown	Grant	Lawyer	38
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32d	2 years	K. F. Prichard	Catlettsburg	Boyd	Lawyer	35
20th	2 years	W. H. Sneed	Frankfort	Franklin	Lawyer	
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